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REPORT

OF THE

TWELFTH ANNUAL MEETING

OF THE

American Bar Association

HELD AT

CHICAGO, ILLINOIS,

August 28, 29, and 30, 1889.

NEW YORK: LEONARD
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THE
THIRTEENTH ANNUAL MEETING
WILL BE HELD
AT SARATOGA SPRINGS, NEW YORK,

On August 20, 21 and 22, 1890.

279684

VIRGIL GORDON

TRANSACTIONS
OF THE
TWELFTH ANNUAL MEETING
OF THE
AMERICAN BAR ASSOCIATION,
HELD AT
CHICAGO, ILLINOIS.

August 28, 29 and 30, 1889.

Wednesday, August 28th, 10 A. M.

After preliminary addresses of introduction, which appear in the Supplement, the President, David Dudley Field, of New York, declared the twelfth annual meeting of the Association open.

Thomas J. Semmes, of Louisiana, presented the following resolution, which was seconded by Henry Wise Garnet, of the District of Columbia, and duly adopted:

"Resolved, That the members of the Committee of Reception and Welcome of the Chicago Bar Association, and the officers thereof, and the members of the like committee of the Illinois State Bar Association and the officers thereof, and the members of the faculty of the Union College of Law, the members of the faculty of the Chicago College of Law, and the attending judges of the courts, respectively, be admitted to the floor and cordially invited to participate in the proceedings of this Association."

The President's address was then delivered by David Dudley Field.

(See *Appendix*.)

The President:

The next business in order is the nomination and election of members.

William P. Wells, of Michigan, chairman of the General Council, then read a list of names proposed and recommended for membership in the Association, all of whom were elected.

(See *List of New Members elected at the end of the Minutes*.)

A recess was then taken for the purpose of enabling members of the Association from the various states to select candidates for the General Council.

Upon reassembling, the members of the General Council were elected.

(See *List of Officers at the end of the Minutes*.)

The Secretary then read a list of delegates present.

(See *List of Delegates at the end of the Minutes*.)

The Secretary, Edward Otis Hinkley, then made his report as follows:

On page 359 of last year's report are the subjects referred to committees, namely:

Resolution of Johnson T. Platt, of Connecticut, relating to the arrangement of the law. (Referred to a Special Committee.)

Resolution of Rufus King, of Ohio, relating to commercial paper as an instrument of commerce. (Referred to the Committee on Commercial Law.)

Resolution of Alfred P. Thom, of Virginia, relating to the extension of the territorial jurisdiction of the courts of the United States. (Referred to the Committee on Judicial Administration and Remedial Procedure.)

Resolution of John F. Dillon, of New York, relating to the increase of the salaries of Federal Judges. (Referred to a Special Committee.)

Resolution of Francis Rawle, of Pennsylvania, relating to the relief of the Supreme Court of the United States.) Referred to a Special Committee.)

Resolution of Morton P. Henry, of Pennsylvania, relating to a uniform maritime bill of lading. (Referred to a Special Committee.)

Certain matters were referred to me to report to the various State Bar Associations, governors, and others, for the purpose of having the action of this Association approved and carried out in the several states, if possible; among others, laws relating to marriages and divorces. That has been done. From some of the governors I have received answers, though only a few as yet. The matter of resolution proposed by Judge Hoadly in reference to briefs, has been attended to. The Secretary was directed to send copies of the resolution to the chief justices of the courts. That has been done. I was also directed to send to each vice-president of this Association circulars setting forth the acts which this Association has approved. That has been done.

The Treasurer, Francis Rawle, then submitted his report. (*See the report at the end of the Minutes.*)

The Executive Committee made the following report through the Secretary:

A meeting was held, and, in the absence of Judge Wright, who is chairman, I was requested to report on three matters. The first was a resolution directed to the Executive Committee, that we should meet elsewhere than in Saratoga. It needs no report, except to say that the Executive Committee have executed that part of it. Secondly, there was referred to that committee a matter which that committee had itself brought before the Association at the last meeting, on the subject of delegates from local Bar Associations in those states which had State Bar Associations. The Executive Committee had thought it proper to suggest and recommend that delegates be received from local Bar Associations, even in states in which there were State Bar Associations, but after the debate held at

the last meeting and the great diversity of opinion shown on that subject, the Executive Committee has directed me to withdraw their recommendations for the present, so that no further action should be taken upon it, deeming that the wisest course at this time.

A third matter which was referred to that committee was a matter of suggestion also, which had come from the Executive Committee, or from Mr. Baldwin, of Connecticut, in reference to having a gold medal struck annually, of the value, say, of one hundred dollars, for the use of some one who had distinguished himself in the preceding year, in some manner worthy of our attention; but the Executive Committee, on considering that subject, out of motives of delicacy and to avoid getting into business that was not executive business, thought proper to suggest to this Association that a Special Committee of seven be appointed by the President to take that matter into more deliberate consideration, and that their recommendations be adopted, and that this committee be discharged from further consideration of that subject.

The report was accepted, the recommendations therein adopted, and the committee was discharged from further consideration of the matters of their report.

Egbert Whittaker, of New York, introduced this preamble and resolution:

"WHEREAS, In criminal procedure in our country there are but two established forms of verdict—guilty, or not guilty—and no distinction is made between a case where the charge remains in doubt and is not proven, and a case where the defendant is proved innocent; and

"WHEREAS, No indemnity is allowed or provided for the innocent; now, as two of the expressed objects and aims of the American Bar Association are to advance the science of jurisprudence and to promote the administration of justice, therefore

"Be It Resolved, That it be referred to the Committee on Jurisprudence and Law Reform, to consider and report whether the forms of verdicts in criminal cases ought not to be modified, so as to conform and express more fully and distinctly as the result of the trial the findings in the cause or upon the

issues involved in it touching the innocence or guilt of the defendant ; and whether persons found innocent upon the trial, who have been imprisoned, or put to expense in their defense, ought not to be indemnified by the State, the Commonwealth, or the People, in whose name and by whose authority such parties are prosecuted, and in what proceedings and to what extent compensation should be made them."

I am aware that in criminal cases there is but a limited number of men who are entirely innocent, yet I have had, and I presume every member of this Association has had, cases where the parties were entirely innocent, and if there had been a method of formulating a verdict to that effect and of establishing it, it would have been done ; but they came in with the general verdict of not guilty, which means not proven. I do not bring this up particularly because I wish to discuss the merits of it now, but, if the Association thinks proper, to have a committee report upon it. My motion is to refer the matter to the Committee on Jurisprudence and Law Reform, to examine and report.

The motion to refer the preamble and resolution was adopted, with an amendment that the committee should report upon it at a future meeting of the Association.

R. Wayne Parker, of New Jersey :

It was my understanding that while the motion contained a reference to this committee it also contained certain implied recommendations. I understood, however, that when the motion for a reference was made it was with the understanding that the whole resolution was simply referred to the committee without recommendation.

Egbert Whittaker :

My idea was to bring up the matter and have it referred to the committee. It was within the power of this Association to refer it to the committee.

Henry Hitchcock, of Missouri :

If this resolution is simply referred to that committee, it is one thing. If, however, the resolution is adopted by the

Association and it is a resolution of instruction to that committee, then that committee will be bound to act upon it, giving whatever weight may attach to the supposed expression of opinion on the part of the Association itself.

The President :

The resolution is very explicit. It does not direct the committee at all, except to report upon the subject, and, as I understand, the amendment is inserted with the consent of the mover that they report at the next annual meeting.

The President :

We will now take a recess until 2 o'clock.

AFTERNOON SESSION.

Wednesday, August 28th, 2 o'clock.

Henry B. Brown, of Michigan, read a paper on "Judicial Independence."

(See Appendix.)

C. C. Bonney, of Illinois :

In view of the great practical importance of the questions presented by Judge Brown, I move that his address be referred to the Committee on Jurisprudence and Law Reform, for their consideration, and such recommendations as they may see fit to make.

The motion was adopted.

The President appointed as the Committee on Publications, Henry C. Semple, of Alabama ; Edwin P. Green, of Ohio ; George G. Wright, of Iowa ; Richard Vaux, of Pennsylvania ; and George M. Sharp, of Maryland.

Walter B. Hill, of Georgia, read a paper on "The Federal Judicial System."

(See Appendix.)

The President :

Does any one desire to discuss the subject of this address ?

Walter George Smith, of Pennsylvania :

As Mr. Hill has referred to a bill introduced by a committee of the Philadelphia Law Association, of which I have the honor to be a member, and in view of the fact that in the course of the investigations of that committee, we made a very exhaustive study of this subject, I think I may be pardoned for speaking here as the representative of that committee, and venturing the assertion that the conclusions that Mr. Hill has arrived at would meet with its full and entire endorsement, not in their specific details, but in their generalities. And I may go a step further, and say that the American Bar Association (which has considered this subject either at length or partially, from the time of the great debate at Saratoga, which was participated in by Mr. Evarts, Mr. Phelps, Mr. Hitchcock and others, more than seven years ago) is prepared even without debate to endorse the general conclusions of Mr. Hill's paper, for we have voted hitherto in favor of the general plan of an Appellate Court. Now, one other word. Mr. Hill has referred with considerable severity to the members of this Association in Congress as having been derelict in their duty, or putting their duty to their party above the duty they owe to the community at large, and to the profession. I wish to say from my own personal knowledge, that the distinguished members of the American Bar Association who honored the Judiciary Committee of the House of Representatives as members of the 48th Congress, did everything in their power. Although at that time the Senate was in the hands of the opposite party and the Chief Executive himself was a Republican, yet the Judiciary Committee of the House, under the chairmanship of Mr. Randolph Tucker, of Virginia, and composed of such men as Mr. Collins, of Massachusetts, Mr. Dorsheimer, of New York, and Mr. Hammond, of Georgia, gave to the committee of the Philadelphia Law Association a whole day of its time, and a most patient and careful consideration ; and the only reason a bill was not introduced at the time, was the fact stated to me by a member of that committee, who said : " We are anxious and willing

to do what you want, but we cannot control the mere ignorant partisans of our party, and they will not put in the hands of the Executive of the other party a patronage so large as any one of these measures of reform calls for." And that, gentlemen, has been the whole difficulty from the beginning. I now move the adoption of the first resolution which is contained in Mr. Hill's paper, that the American Bar Association is in favor of a plan for the relief of the Supreme Court which requires the appointment or the creation of an Appellate Court. As to the second resolution contained in his paper, I think we can also adopt that.

Henry Hitchcock, of Missouri :

Would it not be better, in view of the fact that we have an important committee, which was appointed last year, with reference to this very subject, to wait until we hear from it?

Walter George Smith :

In view of the suggestion of Mr. Hitchcock, I would be perfectly willing to have my motions lay over until we have heard from the report of the committee.

The President :

Then I understand that you consent to the laying of this matter on the table until the report of that committee is received, and then that it may be called up for discussion.

Mr. Smith :

Yes.

The meeting adjourned until Thursday at 10 o'clock.

SECOND DAY.

Thursday, August 29th, 10 o'clock A. M.

The President :

The Association will please come to order.

Wm. P. Wells, Chairman of the General Council, presented additional names proposed and recommended for membership in the Association ; all of whom were elected.

(See List of New Members.)

Chas. Henry Butler, of New York, offered the following resolution :

“WHEREAS, The one hundredth anniversary of the organization of the Supreme Court of the United States will occur in February, 1890, and it has been proposed to celebrate it with appropriate ceremonies in the City of New York, where the Supreme Court was organized,

“*Resolved*, That the American Bar Association co-operate in such celebration, and that the President appoint a committee of ten, with himself as chairman, who shall have power to make proper arrangements in regard thereto ; and further

“*Resolved*, That the Executive Committee be instructed to appropriate from the treasury of the Association such amount as it (the Executive Committee) shall deem proper for this purpose, and that the said Committee be limited in its expenditures to the amount of such appropriation.”

I offer this resolution, as measures have already been taken to celebrate this event in the City of New York, and those interested in it, who are principally in the State Bar Association of New York, have requested me to ask the American Bar Association to co-operate with them, inasmuch as it is a national event, and one in which it is very proper that this Association should take part.

Egbert Whittaker, of New York :

Mr. President, haven't we had enough celebration of events that occurred centuries ago ? I am opposed to this resolution.

It is not that I am opposed to honoring the Supreme Court, but I think we ought not to spend our money in this idle way. The great Supreme Court speaks for itself in its work; its judges who have devoted their talents and their lives to the service of the country on the bench need no celebration. I am tired of this eulogy of a few select men out of the thousands who have worked and devoted themselves dilligently to our profession.

The resolutions were adopted.

The Annual Address was then delivered by Simeon E. Baldwin, of Connecticut.

(*See Appendix.*)

The President :

I will ask Mr. Rawle to state to us what has been done by the committee appointed last year for the relief of the Supreme Court of the United States.

Francis Rawle, of Pennsylvania :

Four of the committee, Mr. Field being in Europe, met at Washington and were of opinion that owing to the fact that the then pending session of Congress was to be a short session, and that a change in the administration would soon take place, it was best to leave the subject untouched until this fall. We felt that our duty was not to urge any particular form of an act, but simply an act of the kind such as this Association approved in 1882. The committee direct me to report progress, and to ask, if it be the pleasure of this Association, that it be continued for another year.

Henry B. Sayler, of Indiana :

I move that the committee be continued for another year under the same resolution.

Edward Otis Hinkley :

I want to add a word to what Mr. Rawle has said. The statement which he has made is simply that we were unable to do anything. It seems to be desired that this work shall be continued. I suppose that all the gentlemen of the commit-

tee are quite ready to go on with the work which you have entrusted to them, but I think, in deference to the resolution of which Mr. Smith moved the adoption yesterday, that it would be well to enlarge the committee. I think the committee ought to go direct to the President of the United States and suggest to him that it is a proper topic for him to consider in writing his address to Congress, especially as it is made his constitutional duty to advise and recommend to Congress suitable measures.

Charles H. Butler, of New York :

I move to amend the resolution of continuance by adding to it that the committee should have the right to add to its number four members.

Henry Hitchcock, of Missouri :

It seems to me that we may as well proceed in the order begun. I suppose there is no occasion to discuss the matter. The Association is all agreed upon it. It is now moved to add four members to the committee. In reference to that, it will be remembered that Mr. Smith's resolution was laid over until the report of this committee was received. It seems to me, therefore, that the first thing to be done, is to approve the report of the committee, and then act upon Mr. Smith's resolution.

The President :

Then the question is : Shall that committee be continued until the next annual session ?

This motion was adopted.

The President :

Now, Mr. Smith's resolution comes up.

Walter George Smith, of Pennsylvania :

I move now to take up from the table the resolutions stated in Mr. Hill's paper, and moved by me yesterday.

Edward Otis Hinkley :

In 1881 there was a committee of nine, five of whom reported favorably to a plan similar to that which Judge David Davis had reported in the Senate of the United States.

W. H. H. Russell :

I rise to a point of order, that the chair has not stated the motion, and the gentleman is discussing it before the chair puts the question. The motion was to take the resolutions from the table.

The President :

The point of order is well taken. Those in favor of taking the resolutions from the table will vote aye.

Adopted.

Edward Otis Hinkley :

I wish to say that I think it will be injurious for us now to adopt any plan. In 1882 nine members of the committee of this Association were divided, five to four, and the Association itself was divided, thirty-nine to twenty-seven, in favor of the Davis Bill, which provided an intermediate tribunal, and I voted for that; but five years ago I went to Washington on my own responsibility and asked leave to be heard, not as a member of a committee, but simply that I thought I might do some good. I was heard patiently for an hour or more, and I obtained all the bills, including what I may call Mr. Jackson's bill, which gave almost entire original jurisdiction to the District Courts, with a right of appeal to the Circuit Court, and I became a convert to that plan, first, because it brought justice home to the doors of the people, and, second, because it adapted the machinery now in existence, to the necessities of the case, which was merely to furnish more men to do the work, and, third, because it gave the advantage of the opportunity of handing over the original papers direct from the District Court to the Circuit Court. Those three ideas struck me as well worthy of our attention, but the point I wish to insist upon most is that the Association should not embarrass the committee by speaking of any plan at all. I thought further, that having examined all the bills thoroughly, I ought to state the reasons why I think this Association ought not to adopt the plan of an intermediate tribunal, and especially it ought not to commit itself on a subject where we have had such

a committee as I have stated. It may prevent the thing from being carried out if we go to discussing questions of plans here. What we should do, is to urge upon Congress the necessity of some action in regard to it.

Walter George Smith :

I think Mr. Hinkley—probably owing to my fault—has misunderstood the purview of the resolutions. Those gentlemen who were here yesterday will remember that Mr. Hill, in his carefully-prepared paper, expressly said that he was not committed to any particular plan, and the suggestions he made were, in effect, that the American Bar Association should reiterate the sentiment it had already expressed year after year, and adopt a resolution favoring the creation of an intermediate Appellate Court. Whether that be a separate tribunal, to be composed of circuit court judges, enlarged by additional appointments, or a tribunal composed of new judges, I do not think this is the time or the place to consider; but I do think that this Association might give that committee greater emphasis in its arguments; if we should express the opinion that we are in favor of the creation of an intermediate Appellate Court of some sort; and that is all that my resolution means. As to the next point, the character of the committee, that will come up in another resolution that is on the table.

R. Wayne Parker, of New Jersey :

I feel great diffidence in speaking on this subject, but I think I express the feeling of the meeting voiced by the gentleman who just spoke, in saying that the committee should be untrammelled by any plans. I agree thoroughly with our Secretary, and I think the mover of this resolution does not see that in favoring the establishment of some sort of Appellate Court, he is favoring one plan rather than another. We say : Relieve the Supreme Court, relieve the District Court, and relieve the Circuit Court. We are not to determine what the plan shall be. The responsibility for that rests with Congress. We only say to them : Do your duty. I oppose

the amendment made by my friend from Pennsylvania, and I favor the original resolution, that this committee be continued.

Thomas Wilson, of Minnesota :

There is no need of an additional federal force. For the first fifty years of the government of this country, it was held by judges as eminent as ever sat on the bench, that a corporation, as such, is not a citizen of any state within the meaning of that clause of the constitution, that where controversies are between citizens and different states, the jurisdiction of the United States may attach. But as corporations grew up, they kept hammering away at it, and finally the court came to the sage conclusion, as Chief Justice Taney said, that no man will dare to say that a corporation, as such, is a citizen of a state within that act giving jurisdiction. But the court say this : that if citizenship in such case be alleged we won't permit you to traverse it, and therefore we will hold jurisdiction. Now, what is the result of all this ? Let me speak within my own personal observation. I go to the Circuit Court of the United States in St. Paul. I will find that the time is principally taken up with the trial of personal injury cases, and so it is everywhere here in the west. The corporations get all their cases into the federal courts, hoping to tire out the poor litigants before the end of the case is reached. Now, one of two things must be done, and if you take one course, we need no additional force, and if you take the other you will need a great increase of force. First : Shall we increase the federal judiciary and give to it the trial of all the important business of this country and thus belittle the state courts ; or, second, shall we preserve the jurisdiction of the state courts and have a man's law-suit settled near his own home, cheaply and expeditiously ? If you take the latter course we need no intermediate court ; if you take the other way you need one ; and permit me to say that if you establish this federal judiciary system you will make a court for the rich, because no poor man can afford to go into it. I speak with no prejudice

against corporations, but as a citizen, and if we look at this as citizens we will find that our duty is to take one course or the other.

Shall we amplify the federal jurisdiction? For instance, a man dies leaving a policy of life insurance to his family. Now, as the law stands, if that insurance company wish to contest the payment of that policy, they can take the case into the federal court. The gentleman from Georgia did not state that strongly enough. Why, from the time a litigant commences his suit until he gets final judgment will be five years, and, as a matter of course, the best advice you will give your client is: *"Make terms the best you can, otherwise you will be worried and worn out before a final result is reached."* It is now proposed to have an intermediate court of appeals. For the district in which I live that court would sit at St. Louis. Now, that would do for concentrated capital, but where is justice administered speedily? Where is it administered as the law intended it should be? Where is justice administered as it was in the early days of this republic and before corporations with concentrated capital got control? We need no intermediate court. If you will just pass this resolution, and if you induce Congress to pass a law that corporations, as such, are not citizens and cannot take their litigations away from the state courts and into the federal courts, you will find that this whole question is solved, the people will get justice at home speedily and inexpensively. Is it true that our judges, where any federal question is involved, cannot be trusted? Are we ready to admit that unless a man on our bench has a federal label he is not to be trusted? I say that I for one have the most profound respect for the character of every man on the bench.

George G. Wright, of Iowa:

We have heard a great deal about the delays in the law and in the administration. I think it might be said with very great justice that the delays of this Association in the disposition of questions is quite as much to be complained of as any deplored delays in the administration of justice. For ten years this

question has been before this Association. Last year a committee was raised by the unanimous vote of the Association to which this entire question was committed, and they had full power to present the matter to the full committees of the two Houses of Congress, and present it as they might think best. Now, this question is again forced upon the attention of the Association in the form of a proposed instruction to the committee. I trust my friend will withdraw his resolution and permit the matter to stand as it was at our adjournment last year, and that this committee, whether you increase it or not, will be left with all the powers it then possessed, we having entire confidence that they will do what is right. If you don't do that, you will get into a wide, unlimited debate, and it will be impossible, save at the end of an endless debate, to agree upon anything.

Walter George Smith :

With the permission of the Association, I will respond to the appeal of Judge Wright and withdraw the resolution.

The President :

The resolution is withdrawn.

Edward Otis Hinkley :

The committee which considered this subject in 1882, reported in favor of some plan similar to that of the Davis bill. The report of the minority of the committee, by four men, favored the division of the Supreme Court into parts. It was therefore an expression, by a vote of 39 against 27, against a division of the Supreme Court of the United States and in favor of some plan similar to the Davis bill.

Lyman Trumbull, of Illinois :

I move to reconsider the vote by which this committee was continued, and my only object in making the motion is to say a word in relation to the creation of an intermediate court. It has not been my privilege to attend the former meetings of the Association and I am not as well informed as to what the Association has done as many of the other members here. I quite agree, and I suppose everybody agrees, that some

measure is necessary for the relief of the Supreme Court of the United States. The question is—what shall the remedy be? I do not think the Association ought to commit itself to any intermediate court. I think relief should come, but in my judgment the relief should come by relieving the federal courts of the extensive jurisdiction that was cast upon them in consequence of the war. We are through with the war now. This is a time of peace. It was my lot to be in the Senate during the war and at its close, and I am perhaps as much responsible as any one person for the extensive jurisdiction that was conferred upon the federal courts in consequence of relations growing out of the war. Let us go back to the Act of 1789. There is no occasion now for that extended jurisdiction, and what was said by the gentleman who addressed you a moment ago in regard to corporations, he might have carried further. Congress in the last year or two has done something to take away that extended jurisdiction which had been conferred by acts passed about 1865, 1866 and 1867, after the close of the war. It has restricted the jurisdiction now so that an assignee cannot bring a suit in the federal court under the clause conferring jurisdiction between citizens of different states, except the original assignor could have brought the suit, saving only upon bills of exchange, and another saving,—and what do you think it is? In favor of paper issued by corporations to bearer! If a corporation among the boot-blacks of Chicago or the hotel-keepers in Chicago, has put out paper payable to bearer, the bearer can pass it over to a citizen of Michigan or Indiana, and he can sue in the federal court, because it was issued by a corporation! Now, let that law be repealed and it will diminish very largely the jurisdiction of the federal courts. I do not believe the remedy is in the creation of intermediate courts. You may make one and the business will flow in upon it, and you will want another, until you swallow up all the litigation of the country in the federal courts. There is no reason for it. There is great force in what was suggested here by the gentleman who preceded me. I am in favor of this committee,

but I would have it charged with the duty simply of urging upon Congress the passage of some law to relieve the federal courts from the pressure of the large amount of business that is upon them. Let them then define the way of doing it, and my way would be to limit its jurisdiction and, at least, to go back to the old Act of 1789, under which the country got along very well for fifty years.

Henry Wise Garnett, of the District of Columbia :

The resolution which was offered at Saratoga in 1881 was as follows : [Reading the same]. Upon the committee then appointed were Governor Stevenson, of Kentucky, Judge Bradley, of Rhode Island, Judge King, of Ohio, General Lawton, of Georgia, and Mr. Hitchcock, of Missouri ; and also, I believe, Mr. Edward J. Phelps, Mr. William M. Evarts, Mr. Cortlandt Parker, and Mr. R. T. Merrick. They came in the following year with two reports, one signed by Messrs. Stevenson, Bradley, King, Lawton and Hitchcock, and the other—the minority report—signed by Messrs. Parker, Phelps, Evarts and Merrick. One of the longest and ablest discussions ever had in this Association took place upon those reports, and afterwards a vote was had upon it. Then Mr. Hitchcock offered a resolution. There was a long debate upon that. A motion was made to substitute the word “minority” in place of “majority,” which was lost, and the resolution of Mr. Hitchcock was finally passed by a vote of thirty-nine to twenty-seven, in 1882.

W. H. H. Russell, of California :

I think the gentleman from Georgia, Mr. Hill, ought to be heard upon this question. This Association has never endorsed the David Davis bill, so called. When our committee went before Congress subsequently to the presentation of that bill, the Hon. Richard Townsend of this state offered a bill, which was passed, which did away with the David Davis Appellate Court bill, for the reason that it took the power from the United States Courts. Now, I submit that Mr. Hill, who has devoted great study to this subject, should be

heard. I think we should keep up this discussion, for it is by discussions such as this that we arrive at the proper course to be pursued. It is so late now that perhaps it would be well to postpone the discussion until this evening; or, until to-morrow morning, say at eleven o'clock. I make that motion.

The President:

First the question is: Shall we reconsider the vote, and thus bring up the whole matter? Is the motion of Senator Trumbull seconded?

A member:

I second it.

W. H. H. Russell:

And I move as an amendment that we postpone until this evening the question whether we will reconsider it.

The motion was lost.

The motion to reconsider was lost.

Charles Henry Butler, of New York:

Mr. Smith having withdrawn his resolution, I now wish to repeat my resolution, to the effect that this committee which has been continued shall have the power to add to its number four members, and that the incoming President shall be also one of the committee.

This resolution was adopted.

The President:

I will appoint as the committee from this Association on the Supreme Court Centennial Celebration the following: Lyman Trumbull, Illinois; Thomas J. Semmes, Louisiana; William C. Endicott, Massachusetts; Edward J. Phelps, Vermont; J. Randolph Tucker, Virginia; Henry Hitchcock, Missouri; Courtlandt Parker, New Jersey; Francis Rawle, Pennsylvania; Henry Wise Garnett, District of Columbia; Charles Henry Butler, New York.

[David Dudley Field, the President, was by the terms of the resolution a member of the committee, and its chairman.]

Charles C. Lancaster, of the District of Columbia:

I have a resolution to offer, to the effect that the next meeting of this Association be held at St. Paul, Minnesota, but as it is now time to adjourn I will call it up at a later period.

The meeting adjourned until 8 P. M.

•
EVENING SESSION.

August 29th, 8 o'clock.

The President :

Mr. Platt has a report to make before we proceed.

Johnson T. Platt, of Connecticut :

I would like to present a formal report. At the last annual meeting of the Association, Mr. Henry T. Terry, of New York, not a member of the Association, presented a paper which was referred to a special committee of which I was appointed chairman. The committee now presents this report and moves its adoption.

(See Appendix.)

The motion was adopted.

Johnson T. Platt :

There was a committee appointed last year on "The Expression of the Law," as it was termed. I move that that committee be continued for another year.

The motion was adopted.

Morton P. Henry, of Pennsylvania :

I have a report to submit from the committee appointed to consider and report on the advisability of recommending the adoption by Congress of a maritime bill of lading.

(See Appendix.)

On motion of Mr. Henry, the same was laid over until the next annual meeting of the Association.

On motion of Johnson T. Platt, the special committee to which Mr. Terry's paper was presented was enlarged by the addition of George M. Sharp, of Maryland.

On motion of George G. Wright, of Iowa, the paper read by Mr. Hill, of Georgia, was referred to the committee to which Judge Brown's paper was referred.

The President:

We are now ready for the business of the evening—Report and debate on Commercial Law Reform.

George A. Mercer, of Georgia:

I am chairman of that committee, and I will submit the report of the committee.

(*See Appendix.*)

This Association has never acted upon that report. In 1886, upon resolution, certain questions were referred to the committee for examination and report. At the succeeding meeting that committee made its report, but no action was taken. At the meeting in 1887, no action was taken. And for the first time this report comes before the Association for action. Now, it does not follow at all that a standing committee of the Association desires to make a report upon any special subject. So far as I am personally concerned, there are questions involved in this report which are very delicate indeed. There were two questions referred to this committee. One was the question of a bankrupt law, and the other was the question of the duty of Congress to regulate the instruments of commerce, so far as they controlled commercial law between these separate states of the Union. I do not think anybody who reads that report can doubt the power of Congress in the matter. Therefore, the main question is about the propriety of Congress exercising this power.

Now, gentlemen, it does not do for this body to leave important practical questions in so much doubt. The simple proposition, as I have said, is this: Has or has not Congress this power? Several gentlemen have said to me that they oppose the bill appended to the report because one feature provided that wherever personal property was sold there should be a lien for the purchase money at the time. That could be changed, of course. The bills themselves are not parts of the

report. The report commits this committee simply to the two propositions : that Congress has this power, and that Congress in proper cases ought to exercise that power.

William P. Wells, of Michigan :

Although not a member of the committee, I have been asked to examine this report and say something in its support, and, as my duties in connection with the General Council will very soon call me away, I will avail myself of the opportunity now. It seems to me, as Mr. Mercer has said, that no member of this Association can carefully peruse this report without concurring with its general conclusions. A distinction should be made, as the committee have already made it, between the conclusions of the report and the proposed legislation which is printed in connection with it. Let no member of the Association anticipate that by committing himself to its general conclusions he has committed himself to any particular measures. The report simply says, in respect to the bills appended and submitted with it to the American Bar Association, that it simply directs attention to those measures. An objection is made to the collection of personal debts, that it gives a lien upon the property. That proposition is not recommended by the committee. The general conclusions of the report are : (1.) That it is expedient that the Federal Congress shall define the essential principles of law which regulate inter-state contracts ; (2.) That it shall go further and define the forms of the instrumentalities of commerce. Now, is that expedient ? Is there a lawyer here who is acquainted, as all are, with the confusion that exists in the differences between the decisions of state courts among themselves upon commercial contracts and the differences that exist between the decisions of the Supreme Court and the decisions of the state courts, who will deny that it is expedient that the federal government, through Congress, should do something to define, in simple form, the essential principles which shall regulate the obligations of the instruments, which shall regulate the obligations of parties under inter-state transactions, and which shall define them in

a way that the commercial community shall easily understand. Why, Mr. President, in the report which you presented upon the delays in the administration of justice, you pointed out a striking difference between the Supreme Court of the United States and the Court of Appeals of New York, upon a simple question of commercial law, whether the transfer of a commercial obligation for any antecedent debt made the assignee a *bona fide* holder. The differences between the state courts and the Supreme Court of the United States upon commercial questions, are known to every lawyer, and they are multiplied, and they should not be. It may be said that the principles of the Supreme Court scattered through a hundred decisions should regulate this subject. Then we come back to the question and to the measure, which you have advocated so long, that this should be defined in a simple statute, and, so far as this question is concerned, I am for codification in that respect. The principles of law which the Supreme Court of the United States have laid down, in respect to the form of commercial instruments, may be put in a simple statute, and I say it is desirable to do so. Secondly, as to the question of power, is there any lawyer to-day that doubts the power of Congress to lay its hand upon this question? So far as anyone can say, great good has resulted from the establishment by Congress of the Inter-State Commerce Commission, and I say that the general conclusions which this report commends to this Association should be adopted. There are some things in the report to which I cannot give my assent. For example, it is said that Congress may go on and not only prescribe the form of the instruments, but it may prescribe all that is necessary to their fulfilment. Here we are venturing upon delicate ground. I do not think any man need have any sensitiveness that the autonomy of the states may be disturbed by this legislation, but it may be, when we get into the field of exemptions, we are trespassing upon the forum of domestic legislation. If Congress shall enact a law governing the obligations of parties to commercial instruments, make a uniform law in these respects,

and then provide for an exemption, whereby the states that are most sensitive may see the benefits of such legislation, and may make their own laws as to exemptions uniform in that respect, then all question of power would disappear. I hope the report with some modification of the resolution will be adopted.

The President:

Is the resolution proposed by Mr. Mercer seconded?

C. C. Bonney, of Illinois:

I second it. And I may say, Mr. President, that we had arranged that Mr. Mercer should open the debate, and then we should hear what might be said in opposition to the report, and then I should close the discussion on behalf of the committee.

Henry Hitchcock, of Missouri:

I was much interested in the statements made by Mr. Mercer and Mr. Wells, and I now understand that it is not proposed to adopt all that is suggested by this report. The impression which was made on my mind certainly was that by the adoption of a resolution so general in its terms as the one proposed by the committee the Association would be expressing its approval of the two bills which are a part of the report. That is one proposition. On the other hand, if the action of the Association is such as to avoid what Mr. Wells just spoke of as the debatable ground of legislation, that is another proposition entirely. I should be very glad to see such action taken by the Association as will give its approval to the general propositions advocated by the committee in the particulars spoken of by the two gentlemen. I should certainly not stand here to oppose the doctrine that Congress has power over inter-state commerce, and I think the committee are entitled to the thanks of the Association for the evidently careful examination which they have made of the question. But it becomes to me a very different question if we are to understand that by adopting the very general resolution appended to the report the Association is called upon to approve the two specific bills which I find in the report. Those bills do enter

upon the ground of debatable legislation. I have always thought there were many cases in which it would be wise for this Association to go as far in the enunciation of its views as it could and that it was not wise to enter upon debatable questions, particularly in view of the fact that we cannot at the utmost do more than merely express an opinion. I would ask the committee whether we are to understand that the adoption of this report and this resolution does or does not amount to an expression of opinion on the part of the Association or an authority from the Association to the committee to take such action as they may deem necessary to secure the legislation recommended in their report.

C. C. Bonney, of Illinois :

On consultation with my associate, we have agreed to remove that doubt, by Mr. Mercer moving this substitute for the resolution :

“Resolved, That this Association approves generally the report of the Committee on Commercial Law, and authorizes the committee to present the matter to Congress ; but this Association does not commit itself to the bills presented by the committee, nor to the matters of detail connected therewith.”

That seems to be specific enough.

Henry Hitchcock :

That avoids a debate on the merit of those bills. Now, I was about to ask the committee whether or not it would meet their views if the committee were to re-frame somewhat more at length some of these propositions, some of which raise the question whether those particular bills are approved and others not.

C. C. Bonney :

I drew this resolution as a disclaimer of any attempt or idea to commit the Association either to those particular bills or “to any matters of detail connected therewith.” Our judgment is that those are matters which will naturally come up before Congress and will be settled there, and that all our pro-

vince is filled when we deal with the general principles applicable to the subject.

The President:

Then, so far as I see, there is unanimity in the body.

Edwin T. Merrick, of Louisiana:

I would like to inquire whether the committee to whom this matter was referred is to deal directly with Congress, and make these representations to Congress, or whether the bills, as prepared by the committee, are to be submitted to us here.

C. C. Bonney:

It is an old saying that if you have a notion which you think is a pretty good one, sit down and try to write a bill to carry it into effect, as the best possible test of its practicability. These bills are written merely to show that bills can be written on those subjects to effect those purposes. The only idea we had in appending these bills with these reports was to bring the ideas of the report before Congress.

W. H. H. Russell, of California:

If we take the statement of the chairman of this committee, quoting the opinion of one of the most eminent men in his own state against the danger of such legislation as is contained in the report, I submit that this Association cannot intelligently pass upon this question, as it says this is taken from the report of the proceedings of the previous year. There are not fifteen men in this assembly who have had the benefit of reading the proceedings of the previous session. If you take the report of this committee, on page 21 you will find these following considerations: "The consideration which your committee have reached, * * * * * and that the committee be empowered to take such steps as they may deem expedient to secure the passage of the act in Congress carrying out the purpose of these two bills."

I submit that we ought to have, or at least the new members ought to have, an opportunity to read this report before acting upon it. I do say that I think it would be dangerous for the Association to recommend the legislation as contem-

plated in this report. I move, therefore, that the subject matter of the report be separated, and the report be divided upon the two propositions.

Simeon E. Baldwin, of Connecticut :

I second that motion.

C. C. Bonney, of Illinois .

I offer the following resolutions :

“Resolved, That this Association approves generally the Report of the Committee on Commercial Law, so far as relates to bankruptcy, and authorizes the committee to present the matter to Congress; but this Association does not commit itself to the particular bill presented by the committee, nor to the matters of detail connected therewith.

“Resolved, That this Association approves generally the Report of the Committee on Commercial Law, so far as relates to commercial regulations, and authorizes the committee to present the matter to Congress; but this Association does not commit itself to the particular bills presented by the committee, nor to the matters of detail connected therewith.”

C. C. Lancaster, of the District of Columbia :

I regard this discussion as one of very great importance, not only to this Association as a legal body, but to the great commercial interests of this country. I am surprised—and you will not be astonished in hearing that expression from me—to see an organization, as we claim to be, coming very formally before the country and offering a resolution, as we have here, of glittering generalities. In other words, we are here about to pass a resolution that contains nothing in itself but a generality. Are we here for the purpose of spending time in passing resolutions of that sort? Are we not here to put in shape and proper form exactly what the country needs? What does Congress know about this thing, composed as it is of men picked up from everywhere,—by accident, in a great measure. Instead of coming here with a bill cut and dried and ready to stand by it, we have this incomplete thing! Now, if it needs any amendment let us amend it intelligently and then appoint

your committee and go before the Judiciary Committee and say: "Here, we present you with a bill backed by the American Bar Association and we want it passed." I say that I have watched the proceedings of this Association for some years, and to me it is one of the most astonishing things that lawyers, who are generally regarded as having plenty of cheek and audacity when they meet in convention, are absolutely afraid to present their opinions to the public! Now, what is the good of that resolution? Your committee goes to Congress and gets before the committee of the House, and immediately the question would be asked: "What does this mean?" Your committee has no bill. It is not authorized to say that the American Bar Association wants this or that, but it says: "We are here and we don't know exactly what it means, but we just bring it here to you and let you find out what it means."

Now, I say, table that resolution, and if it takes ten years to prepare a bill, let us prepare one and go with a bill that will be passed without an *i* dotted or a *t* crossed, and when we do that, then the American Bar Association will have accomplished something to the credit of itself, something that will meet the approbation of Congress, and something that will be sustained by the people, the suffering public, the commercial interests of the country!

C. C. Bonney:

Permit me to say a single word. I have had the pleasure of discussing this commercial bill before the Judiciary Committee of the House of Representatives, under the chairmanship of Mr. Randolph Tucker. It is not the province of this Association to prepare and enter into the details of bills. It is the province of this Association to recommend such reforms as commend themselves to its judgment. The commercial paper of states like Georgia and Iowa is now of less commercial value than the paper of commercial centres; under the proposed regulation commercial paper of different states would be of more uniform value.

C. C. Lancaster :

I offer this resolution, which I think will meet the requirement.

"Resolved, That the general conclusions of the report just submitted, as to the power of Congress to regulate inter-state commercial contracts and as to the expediency of a national bankrupt law, are approved, and that the committee be requested to prepare or draft bills to carry out their views, for submission to the Association at its next meeting."

I offer that as an amendment.

Edwin T. Merrick, of Louisiana :

I second it.

The President :

Now, is there any gentleman who wishes to speak before Mr. Bonney closes the debate ?

Alexander T. London, of Alabama :

Mr. President, what is before the house ?

The President :

The amendment offered by Mr. Lancaster.

Alexander T. London :

Mr. Russell's motion, as I understand, was seconded. That was a substitute for the original motion.

The President :

No, because it was merely a division of the question. There is now a substitute proposed by the gentleman from the District of Columbia.

Alexander T. London :

I think the amendment proposed by Mr. Lancaster ought to be adopted, because I think this is a matter that should be submitted in proper shape after careful consideration.

A. A. Ferris, of Ohio :

I am opposed to the amendment, because I think it is too indefinite. It postpones the action of the Association for another year, and I want to say that I endorse the gentleman's argument as to the purpose of this Association in acting upon

bills of this kind, and my criticism would be of the original motion—in substance, the same that the gentleman from the District of Columbia has made; that is, that this Association shall come before Congress with its bills drawn up in the form that this Association, in general, approves; and the amendment is as indefinite as the original motion proposed by Mr. Bonney. I think the amendment should be voted down. I am also opposed to the postponement of this question for another year, as suggested by Mr. Russell. I think we should dispose of it in some way now.

Hiram F. Stevens, of Minnesota:

I offer this amendment to Mr. Lancaster's substitute: Amend by inserting after the word "views" the words "as to the regulation of commercial contracts."

C. C. Lancaster:

I accept that amendment.

The President:

I will put the question on the substitute proposed by Mr. Lancaster.

The motion to adopt this substitute was lost.

The President:

The question now recurs upon the original resolution. That resolution, so far as it relates to the bankruptcy act, I will put first.

Simeon E. Baldwin, of Connecticut:

If the question in regard to the bankruptcy act is to be put first, I would suggest that at present the committee have not given us their views in support of the suggestion that the bankrupt act should take the shape of an equitable procedure. Of course it will be obvious to every gentleman here that if a national bankrupt act is passed, and if such a one is passed as is suggested, either in the conclusions of the committee, which this vote, if passed, would approve, or in the draft bill which they submit, that it would be a revolutionary change in what has been heretofore the policy of the United States in regard to bankruptcy. The recommendation of the committee is that

the form of a national bankrupt bill shall be a short and simple act, to be enforced by the court as a court of equity; not as a court of bankruptcy, not as court of law and equity, but as a court of equity alone. Now, before that question is put, it seems to me we should have some fuller explanation from the committee as to why they recommend this particular change, the effects of which would be so far-reaching.

C. C. Bonney :

The reasons are these: They were that the detailed legal system of bankruptcy has been tried, and it has been not only a notorious, but a disastrous, failure. In this country it reduced the percentage which debtors paid from thirty-five to ten per cent. The last form of that bill, when it was pending, would have required \$1,386,000 out of the treasury of the United States every year for its support. I speak from experience in numerous cases, when I say that the most perfect distribution of assets which this country has ever seen have been distributions in equity. There is, strictly speaking, nothing required but a power to issue discharges in bankruptcy. What we ask is this. The experience of granting discharges in bankruptcy on a simple equity proceeding has never yet been tried. All we say is that it is worth trying, and that under our present recommendation it will not cost one dollar out of the public treasury to try the equity experiment. If it fails, repeal it. There is not an intelligent lawyer in the United States who, without any special training, could not sit down in his office and write a short petition in bankruptcy and ask the court to take the assets of the debtor and convert them into money and distribute them among the creditors. Now, we say it is worth while to try this easy experiment, just to see whether the old and well-known and familiar methods will not be a great deal better than the elaborate schemes which have been tried in England and in this country, and have failed.

Henry Hitchcock, of Missouri :

I understood that our friends on the committee had determined to propose a substitute for their report, which expressly

disclaimed a suggestion of any particular bill. I am, therefore, somewhat surprised to understand that the question now to be passed upon is, in effect, whether or not the Association will give its approval to a particular kind of a bankruptcy bill.

C. C. Bonney :

We say that we disclaim to commit this Association to what we of the committee think is just the right thing. All we ask you to say is that Congress ought to pass some sort of simple and equitable bankrupt law; and I rose to make this explanation only because Professor Baldwin asked why it was that we recommended the simple system. The resolution stands just as we offered it.

Henry Hitchcock :

Then, nevertheless, the resolution if adopted would commit the Association to the approval of one of two entirely distinct kind of bankruptcy bills.

C. C. Bonney :

The resolution is this.

(Reading the resolution under discussion.)

Robert E. Monaghan, of Pennsylvania :

That resolution is not before this body. The proposition that Mr. Bonney suggested a moment ago is not what we had before.

The President :

The gentleman is mistaken. The resolution of Mr. Bonney embraced two subjects. Mr. Russell demanded that they should be separated, and the house agreed to it.

Robert E. Monaghan :

Now, the only way of reaching that in the present form is for Mr. Bonney to offer those two resolutions as an amendment to his original proposition, or he can withdraw his other.

George G. Wright, of Iowa :

It is strange that a body of lawyers should get into a squabble like this. Mr. Bonney has a perfect right, as the mover of a resolution, to say I offer this or that, and before a vote is taken he has a right to offer it in any form he chooses.

Henry Hitchcock :

I am loth to take up time, but I simply desire to say that it seems to me to be *carte blanche* to this committee to draft some bill, which, when it is drafted, we do not seem to be responsible for.

Edwin T. Merrick :

I desire to know whether we are not voting now for a bill giving to the Chancellor the power of a bankrupt court.

The President :

That is not the question at all. The simple proposition is the one which has been read three times. Now we will take a vote on the first part of the resolution, as divided.

This was adopted.

The President :

We will vote now on the second part of the resolution.

This also was adopted.

The meeting adjourned until Friday at 10 o'clock.

THIRD DAY.

Friday, August 30th, 10 o'clock, A. M.

The President :

The report of the committee for the nomination of officers will now be presented.

William P. Wells, of Michigan, Chairman of the General Council, read the list of officers nominated for the ensuing year, all of whom were elected.

(See *List of Officers at the end of the Minutes.*)

William P. Wells :

The General Council have instructed me to submit the further nominations of persons for membership ; all of whom were elected.

(See *List of New Members.*)

The Secretary :

It may be pleasant to know that we have added 280 new members at this meeting, a much larger number than ever before.

The President :

That shows the wisdom of coming to Chicago.

Alex. P. Morse, of the District of Columbia, offered an amendment to article IX of the Constitution, as follows :

“ *Resolved*, That Article IX of the Constitution be so amended as to read : ‘ This Association shall meet annually at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.’ ”

Henry C. Semple, of Alabama :

I second that.

Alexander P. Morse :

Article IX, as it is to-day, provides that the annual meeting shall be in July or August, at such time and place as the Executive Committee may select. Now, it appears that there ought not to be such a hard and fast rule in the Constitution in respect to the month in which the Association shall meet. Provision for an annual meeting at such time and place as the Executive Committee may deem appropriate seems to be all sufficient.

The amendment was adopted by a vote of forty-four to thirteen.

C. C. Lancaster, of the District of Columbia :

In view of the discussion last night I offer this resolution :

“ That any standing or special committee hereafter reporting necessary legislation shall prepare a bill embodying their views, for the approval of the Association.”

It was adopted.

Simeon E. Baldwin, of Connecticut :

I desire to call the attention of the Association to the report which was in print and distributed to all the members a month

or more ago, on the subject of the revision of bills before their final enactment by the Legislature. Besides the printed copies sent to the members, other copies have been distributed this morning to refresh their recollection; and, to refresh it still further, let me call the attention of the Association to the fact that seven years ago, on the report of this committee, the Association resolved "that in view of the growing evil of hasty and ill-considered legislation, and of defective phraseology of the statute law, this Association recommends the adoption by the several states of a permanent system by which the important duty of revising and maturing the acts introduced into the Legislature shall be entrusted to competent officers, either by the creation of special commissions or committees of revision, or by devolving the duty upon the Attorney-General of the state." A few years later the Association directed the committee to prepare such a draft act. That act was submitted to the Association three years ago and was given on pages 2 and 3 of the printed report. In substance it is this: that every State Legislature shall appoint from its own number a joint standing committee on the revision of bills; that after each bill has received the approval of both Houses, but before it has been signed by their presiding officers and submitted to the Governor, it shall be referred, as a matter of course, to this standing committee of revision; that their duty shall be to examine the bill and see if its phraseology is such as to convey accurately and clearly the meaning of the Legislature, and see if it harmonizes properly with existing statutes which it was not intended to repeal. Then the bill is to be put upon its final passage.

Without re-arguing the necessity of some such measure, I would call attention to the fact that it was stated yesterday, in the address of our President, that ten thousand acts were the fruit of last year's legislation by the various states—three times as many acts as the Roman empire had when she ruled the world. It goes without saying that many of those acts have been crudely conceived and hastily amended, and you all

know that much of the time of our legislatures is spent in repealing improvident acts made by previous legislatures. The Committee on Jurisprudence and Law Reform are unanimous in believing that of the various agencies the best is the Committee of the Legislature. We therefore recommend the resolution which is given on the fifth page of the report.

Harvey B. Hurd, of Illinois :

I approve of the general purpose of the bill that has been proposed, but I think there is an impracticability in it which would strike every legislator at once, on its being presented. I would like to see a bill proposed that would strike every practical legislator favorably. A great many bad laws get into the statute books simply because the framers of the laws do not understand what legislation we have, or how to put it in shape. What I see to object to in this bill is the time when this revision is to take place. As stated, it is after the bill shall have passed both Houses. At that time it is too late. Now, I propose an amendment, as follows :

“ Every bill shall, before its passage by the House in which it originates, be submitted to that joint committee for report thereon, and said committee shall report thereon at such time and in such manner as shall be provided by a joint rule of the Senate and House of Representatives ; said report shall contain such suggestions or amendments as may by said committee be regarded as necessary to make the bill express clearly the intention of the Legislature and harmonize with existing statutes, or shall state that in the opinion of the committee the amendments are unnecessary.”

That is substantially as the section recommended by the committee, except as to the time when its action shall be had. You will observe that the amendment, as I propose, does not fix the exact time or an exact manner of the action of this joint committee. The object of this is so that it can be suited by every Legislature to its mode of proceeding, which is quite different in the various states.

J. M. Dickinson, of Tennessee :

I do not rise for the purpose of discussing this report and recommendation in its general scope, but to suggest what appears to me to be a fatal defect in the recommendation. Such recommendation establishes a rule for a subsequent legislature. It seems to me —

The President :

Excuse me, you are not speaking to the amendment. The question is whether this amendment shall stand to be voted upon in place of the original.

Henry C. Semple, of Alabama :

While the general object of the report of the committee will no doubt meet the approval of every member of this Association, I think that the gentleman who preceded me, in offering the amendment, has pointed out a fatal defect in the act which is recommended to be adopted. That defect is this : An attempt by an act of the Legislature to control the constitutions of the several states. I am satisfied, I know, that the constitution of Alabama provides that after a bill has passed each House of the General Assembly, it must be sent to the Governor for his approval. The bill is required to be read three days in each House, and when it has received the votes of the majority it must be sent to the Governor for his approval, and there is no time for amendment. The constitution would forbid the very measure which is favorably reported here, and so with the constitutions of many of the other states.

Edwin P. Green, of Ohio :

I am opposed to the amendment, as read. I am in favor of the recommendation of the committee, as I read it between the lines. The natural reluctance of a Legislature to give to another the supervision of their work has, of course, to be met. I am opposed to coming down to that standard. The President of the Ohio Bar Association, a year ago, recommended that the office of Statutory Draughtsman be created, to be filled by a competent person who, by his acquirements, should be able to state a statute in correct language, and

should have general supervision over all bills. That was referred to a committee, and a report was made and it was recommended to the Legislature that that office be created. Some members of that Legislature were opposed to it, on the ground that there should not be a guardian appointed over them. I think it was the unanimous opinion of all who knew anything about it, that the remark which Judge Hill once made would apply to them. He said to a young lawyer, upon a certain occasion: "The first thing you should do when you are engaged in a case is to come into court and have a guardian *ad litem* appointed."

Henry Hitchcock, of Missouri :

The committee have been very sensible of the practical difficulties which necessarily attend a measure of this kind, and the nature of those difficulties has been again brought out by the remarks which have been made, and I can only say that the committee are very much gratified that the gentlemen have shown by their criticisms the interest taken and the desire on all sides to remedy this evil. Let me briefly suggest the reasons why those criticisms do not appear to the committee to be complete. In reference to an official transaction there are in the British Parliament two government counsel whose business it is to overlook legislation. Undoubtedly there would be many desirable features in such a plan, but it should be remembered that the British ministry introduce bills in a manner entirely different from anything that obtains here, and we are of opinion that however desirable the services of such an officer would be there would be objections on the part of many legislators to having what our friend from Ohio called a guardian over them. I think in using that phrase he has suggested the very difficulty. Another objection is that the passage of a statute like this would be regarded as an attempt by one Legislature to do that which is not in its power, namely, to bind its successors in regard to statutory enactments. I can only say that the committee have not the least objection that "statute" in this proposed action should be changed to "joint

rule." You cannot make any provision of any kind to reach this difficulty which it is not in the power of any Legislature to set aside. Therefore, it comes down to this: that whatever they propose must be of such a nature as to commend itself to the good judgment of the members of each Legislature. If you succeed in doing that your measure will be operative. If you do not, your committee will not be operative. This committee, however, desire to meet any objection, and are perfectly willing to accept an amendment changing the word "statute" to "joint rule." The amendment immediately under consideration is directed only to the time when this revision should take place. It seems to me that in endeavoring to escape the difficulties mentioned by the gentleman from Illinois, there are difficulties encountered, if it is attempted at any earlier stage to have a revision. The purpose of this revision is not to commit to any joint committee or to any body the power of revising any matter of substance in any bill which has already been considered. The committee is authorized to make such suggestions only as they shall regard as necessary to make the bill express clearly the intention of the Legislature and harmonize with existing statutes. Beyond that it is not intended they shall go. In other words, they are to correct errors or oversights, whether in the way of clearly ambiguous expressions or in the way of forgetfulness of statutes already in force. It seems to this committee that the proper time to make this revision is when the bill is ready for final passage.

Now, Mr. Semple objects that it would not be in accordance with the Constitution of his state to take up a bill at that stage and have this action upon it. I do not pretend to be able to answer any statement he makes upon that point. But let me answer how we do it, or how it would work in our own state. In Missouri, after a bill has been passed it must be read at length in each House. The Speaker of the House stops all other business and signs the bill in the presence of the House. Now, I take it that while it is true, as a general proposition,

that after a bill has passed three readings in each House, the function of the House as to the passage of the bill is complete, the final actual step to be taken is the signature by the Speaker of the House, and it is just at that point that the function of the final revising committee should come in. I do not see why that does not meet any constitutional objection. It is not proposed that after a bill has passed each House, and has been signed and is in such a position that, under the Constitution, nothing remains to be done except to forward it to the Governor, but just before that time—before the signature of the Speaker—the committee shall look over it and make such suggestions as seem to them necessary.

Howard P. Wilds, of New York :

I submit this suggestion, that it is probably the custom in all Legislatures, as it is in New York, upon the introduction of bills, to have them referred by the presiding officer, pursuant to rules, to proper committees ; and in my judgment the time for the revision proposed is when a report is made, or just preceding the report of such bills by the proper committees, and not after the action of the House thereon. The revision should be made in order that the bill as passed should be in its final form, and not that subsequent amendments may be necessary to be reported to the House in which the bill originated.

C. C. Lancaster, of the District of Columbia :

Mr. Semple makes a constitutional objection to this bill. I would suggest that his point as to the Constitution of Alabama can be easily gotten around, and in this way : that a bill need not be passed when it has gone to its third reading. The House can let the bill lie upon the table for three days after the third reading, so that it does not pass until the bill is brought up after the three days and then is acted upon finally. Then it goes to the Governor. In this case, what objection could be made by the Constitution of Alabama that if a bill passed its third reading, the House should say that that bill would lie over for three days until final passage? I suggest that that would be a complete answer to the gentle-

man's constitutional objection, and this joint rule would enable them to have that committee in the mean time to revise. So that on the third day, when the bill is called up for final passage, it has received the criticism and any amendments suggested by the committee. It strikes me that that is fully constitutional and can be properly done.

Simeon E. Baldwin :

I would like to reply to the amendment offered by my friend on the left, that the time of this revision most appropriate is when the committee is ready to report, or has submitted its report; in other words, that this committee of revision should examine every bill which has been favorably reported on by the regular committee. That, of course, would be much preferable to the amendment introduced and now before the Association, which might require every bill introduced into the House to be referred to the committee on revision, but it would not harmonize with the duties which are imposed on this committee by the act which the committee of this body has recommended. That duty is to see that the bill expresses clearly the intention of the Legislature—not the intention of the mover, not the intention of any committee—but the intention of the Legislature itself. And that intention cannot be learned until the Legislature has spoken. Let me ask the gentleman who made this amendment, if it is not true that the whole objection to this bill is really one growing out of the poverty of the English language? We have been obliged to use the word “passage” in this bill in distinction to “final passage.” We say that after the bill has passed the Legislature, but before it has been authenticated by the signatures of the officers, it shall be referred to a committee. Then we say that after that it shall be put upon its final passage. Now, if gentlemen have a better word to use to describe the first passage we will be happy to adopt it. Therefore, we have used the word “passage” as the best English word we knew which bore upon the point, and we use the words “final passage” to signify the final act by the Legislature by which

it becomes a law. I trust, therefore, that the amendment will not prevail, for it would throw upon the committee a different duty from that intended by the Association in their resolution of instruction of seven years ago.

Edward C. Kehr, of Missouri :

I desire to state that I understand the history of legislation to be substantially this. A bill is introduced. The constitutions of some of the states, probably many of them, provide for three readings, a reference to a committee at the second reading, and a report, after which the bill is passed upon in the House itself, where it is open to amendment. As I understand the committee, the object is to submit only those bills that are favorably recommended by a committee—thereby doing away with the great mass of matter that is introduced into a legislative assembly, and which is nothing of consequence and is never heard of afterwards. When the legislative will is thus ascertained, then it seems to me is the time when the committee on revision steps in, whose duty it is simply to ascertain whether the legislative intent that has been manifested, is expressed in proper language, and whether or not it accords with existing legislation or constitutional provision. It is at that time that a bill is ordered to engrossment, and the vote in a legislative body is taken upon an engrossed bill. Now, then, between the time that the bill is ordered to engrossment and the time at which the vote is taken upon the engrossed bill, it seems to me is the time at which this work of revision is to be done. Therefore, it seems to me that the amendment offered by the gentleman from Illinois, perhaps introduced a more flexible feature; to say that a bill shall be open to revision after it is passed, it strikes me is clearly inaccurate. After a bill is passed it contains the final legislative intent. I should suppose that the joint resolution contemplated by the amendment would fix the time when the bill is ordered to engrossment. Therefore, I am inclined to vote for the amendment, but should like to have that amendment so

amended as to apply only to bills that have been favorably reported by the committees to which they have been referred.

Harvey B. Hurd, of Illinois :

I would like such a proposition to go before the country as would immediately strike every legislator favorably. I am quite confident, and I speak after some considerable experience, that our legislators would not regard such a bill favorably. Let me tell you how it would work practically. We have a Constitution that requires each bill to be read three times in both Houses. It also requires that each bill shall be printed and every amendment thereto. Suppose a bill is introduced into the House of Representatives. It is read once and referred to a proper committee. That committee considers it and reports favorably, or otherwise, with or without amendment. Then the bill is printed, with the amendments, if there are any. Then it is ordered for a second reading. Then it is amended, if such is the pleasure of the House, and, after amendment, is ordered to a third reading. Then on its passage it goes to the other House and through the same course. Let us suppose that after it goes through the other House it has then to be referred to this committee of revision. That committee would have to report whatever changes it would make in the bill by way of amendment. Those amendments would have to be printed. The bill would have then to go back for that purpose into the House for second reading. Then it would be ordered to a third reading, as amended. That amendment being passed, it would go to the Governor. Now, what is contemplated by this reading? Is it merely a change of phraseology? I do not read that second clause in that way. I suppose that that bill is to be so changed by this committee of revision as that it conforms to the Constitution, as that it is in harmony with existing laws, as to express not the intention of the Legislature technically, but the intention of such a law. The intention of the Legislature is one of those things that we talk about when we have nothing else to say. I have no confidence in the intention of the Legislature. The

Legislature has as little intention probably as anybody in the world. It is the man that draws the bill. Now, it will occur that the bill will be sometimes entirely remodeled, and sometimes it will occur that it will be entirely rejected. After I had been concerned sometime in making a revision of laws of this state I visited Springfield to see my old friends and was invited to meet with the Judiciary Committee. There were then before it six bills to amend the statutes. Several members of the committee asked my advice about the bills. I was able by my familiarity with the statutes to show them that there was no necessity for some of them,—in fact, for any of them—and the committee made an adverse report on all the bills. If we had some such officer as my friend from Ohio recommends, I think we would find out that the Legislature is wasting its time on a great many bills

The amendment was lost.

Simeon E. Baldwin :

The committee would make two modifications of the resolutions, before the vote is taken on the main proposition, which is now before the body. First, that the resolution on page 5 be amended as follows: By inserting on the third line, after the word "of," the words "a joint standing rule by the Legislature or." So that the whole resolution will read as follows:

"Resolved, That the local councils in the several states and territories be requested to endeavor to secure the adoption in each of a joint standing rule by the Legislature or an act substantially like the draft of a bill given in the foregoing report," &c., &c.

The next is in regard to the phrase suggested as a possible substitute for the word "passage." We would suggest that in the draft of the bill on page 2, section 2, the first two lines be so amended as to read "Every bill shall, after the same shall have so far passed the Legislature as to have been ordered to engrossment," and before it is signed by the presiding officer of either house.

I will also change the last resolution, on page 5, as has been suggested, by making the proposed bill take the shape either of a joint standing rule or of an act, as in each state may be thought proper.

R. Wayne Parker, of New Jersey :

I desire only to ask one or two questions as to the meaning of this act. I do not quite understand it. As originally drawn, it said that after an act shall have passed the Legislature and before it is signed by the presiding officer of either House it shall be referred, etc. Now, as I understand it, bills that pass a House are then signed by the presiding officer and sent to the other House, and then returned to the body where they originated, and sent thence to the Governor. The signature is put on after the first signature. Hence it could not be amended afterwards. Now it is proposed that when a bill has passed one House so far as to be ordered engrossed, it shall go to a joint committee. I only ask the committee who have prepared the bill whether that is their intention, that when it is in the original House, and has got to the stage where it is to be engrossed, it shall go to a joint committee, so that the Senate, in advance of the bill coming into the Senate, shall decide whether it shall come there or not. In New Jersey we have a rule that every bill, after it has been engrossed and before it comes up for the third reading, shall go to a committee of that House, called the Committee on Engrossed Bills, whose duty it shall be to correct any faults of engrossing, of grammar, punctuation, &c., and return the bill to the House with its suggestions, to come up on third reading, and that is all there is to it.

Henry C. Semple, of Alabama :

I desire to speak against any amendment of the report, which is not understood. I venture to say that there are not twenty members of this Association who understand the proposed change or modification in the report of the committee. In the first place, I am opposed to the adoption of the report as it stands now, and, in the second place, I am opposed to

considering at all any change in the report until I understand it. We should have an opportunity to consider this matter. I therefore move that the further consideration of this matter be postponed, and let this matter be recommitted to the committee until the next meeting.

The President :

It is not for me to say anything, but if that motion prevails it means a delay of another year.

The motion was lost.

The President :

The question is upon the resolution.

It was adopted.

Henry Hitchcock, of Missouri :

I desire to offer the following resolutions :

“ Resolved, That the special committee on the relief of the Supreme Court be and they are further instructed to communicate with the several State Bar Associations throughout the United States, and to request the co-operation of the said Associations, their officers and members, in urging upon Congress to take early and effective action for the relief of the Supreme Court of the United States.

“ Resolved, That the local councils of the Association in the respective states are requested to urge upon the Senators and Representatives in Congress in each state the great urgency of early action by Congress upon this important subject.”

The resolutions were adopted.

W. H. H. Russell, of California :

I offer the following resolution :

“ WHEREAS, The State Bar Association of Illinois and the Bar Association of the City of Chicago have, by their generous and magnificent hospitality, at this twelfth annual meeting of this Association, practically illustrated and exemplified the spirit of the first article of our Constitution, in cordial intercourse among the members of the American Bar, therefore, be it

“Resolved, That the members of this Association hereby tender to the said Associations, and to their members individually, our grateful recognition and thanks for their hospitality while in the City of Chicago, and that we hereby heartily encourage and commend Chicago's laudable and patriotic effort to secure the World's Fair in this city in 1892.”

A member :

We did not come here to endorse World's Fairs.

Mr. Russell :

I did not suppose there would be a dissenting voice here on those resolutions. We have been received and entertained here better than ever before. The press of Chicago have given us more space than has ever been accorded to our meetings elsewhere. I think, therefore, we can do no less than tender to the City of Chicago our most profound thanks, as well as to commend its citizens for their efforts to secure the fair here in 1892.

George A. Mercer, of Georgia :

Mr. President, I move to amend by striking out all that relates to the World's Fair.

Chas. H. Butler, of New York :

I second that.

The President :

I should rule that such a resolution is not germane to anything connected with this Association. It is not in order. We do not come here for the purpose of helping Chicago obtain the World's Fair. We certainly do thank the people of Chicago, and the press of Chicago, and the gentlemen connected with the Bar Associations that have been named, for all the courtesies that have been so graciously extended to us.

W. H. H. Russell :

As the distinguished president is from New York, I accept the amendment.

President Field :

No, do not put it in that way. We have nothing to do with

a fair in New York or elsewhere. We have to do with the affairs of the American Bar Association, and nothing else.

W. H. H. Russell :

I accept the amendment.

The resolution as amended was then adopted.

W. A. Collier, of Tennessee :

At a recent meeting of the Bar Association of Tennessee, in an able address by the president, he made some wise suggestions in reference to the uniformity of laws. The address was referred to a committee, and that committee made a report, and in obedience to their request I have this resolution, which I submit for your consideration, and, I hope, adoption :

“ Recognizing the desirability of uniformity in the laws of the several states, especially those relating to marriage and divorce, descent and distribution of property, acknowledgment of deeds, execution and probate of wills ; therefore be it

“ *Resolved*, That the President of this Association appoint a committee, consisting of one from each state, who shall meet in convention at a time and place to be fixed by the President, and compare and consider the laws of the different states relating to these subjects, and prepare and report to this Association such recommendations and measures as will bring about the desired result.”

C. C. Lancaster, of the District of Columbia :

I move that that resolution be referred to the Committee on Judiciary and Law Reform, and called up at the next annual meeting.

Thomas J. Semmes, of Louisiana :

Before the vote is taken on the question of referring this resolution to the committee, I desire to say that it is not necessary to refer the matter to any committee for the purpose of reporting upon the desirability of the object intended. There would be much difficulty in getting together such a committee—one from each state. This is an important subject. There is uniformity needed. Let me illustrate. Not long since a gentleman died in Louisiana, possessed of real property situated

in Maryland, and he made a will in Louisiana, in what we call the olographic form, which is a will dated, written and signed by the testator without witnesses. He left a large estate. He disposed of his entire estate. After his death it was ascertained that such a will was unknown to the laws of Maryland, and all of the dispositions of the will fell to the ground, because of that fact, so far as the real estate in Maryland was concerned. Now, that is an evil. We in Louisiana have avoided that difficulty, and if I happen to be a member of the committee to carry this into execution, I would suggest the adoption of the law of Louisiana upon the subject,—a law which has existed for sixty years,—and that is that a will which is executed according to the law of the place where it is executed, and is valid according to that law, will be recognized in Louisiana, both as to real and personal property. Therefore, I earnestly insist that this reform should be provided for by the creation of this committee now, and, instead of having the time and place of meeting as suggested in the resolution, I would have it fixed by the President. I hope the resolution will pass.

C. C. Lancaster :

I will withdraw my motion to refer it to a committee.

The resolution was adopted.

John M. Gaut, of Tennessee :

I offer the following resolution :

“ *Resolved*, That the Committee on Jurisprudence and Law Reform be directed to consider the propriety of reporting to the next meeting of this Association some measure to secure the incorporation into the constitutions of all new states which shall hereafter be formed, and all old states whose constitutions shall be hereafter amended, of requirements to the effect that no bills passed by such Legislature shall become laws until they shall have first been subject to the criticism of some competent officer or committee, with a view to a clear legislative intent and harmony with existing statutes.”

The President:

I will suggest that that is impossible. However, we will take a vote on the resolution.

The resolution was lost.

C. C. Lancaster:

I want to call up the resolution offered yesterday in regard to holding the next meeting of this Association in St. Paul.

The President:

The gentleman will excuse me, but was not the constitution amended so as to allow the Executive Committee to take care of that?

C. C. Lancaster:

This is only advisory to the Committee. The place of meeting is not important to anybody, but I regard this as of the utmost importance to the Association. We have heretofore met in Saratoga, and have not extended our influence at all in the west. Now, we are all satisfied with the results of this meeting in Chicago. I don't care where we go next year, so long as it is where we can accomplish something; whether it is St. Paul, Minneapolis, Kansas City, Omaha, or St. Louis,—anywhere in the west where we can get some of this fresh, active western life—so that we can go east to Washington in 1892.

The President:

I must interrupt the gentleman to ask what his resolution is.

C. C. Lancaster:

The resolution I handed up yesterday, about meeting next year in St. Paul.

The President:

Within an hour the Association has voted to leave that entire matter in the hands of the Executive Committee.

A member:

The resolution of the gentleman from the District of Columbia did not receive a second, and it is therefore not in order.

The President:

The point of order is well taken.

William P. Wells, of Michigan :

I offer the following :

“ Resolved, That the Secretary be requested to transmit to Mr. B. F. Ayer and to Mr. George M. Pullman the hearty thanks of the American Bar Association for the attention extended by them during the meeting in the City of Chicago, and to assure them that our members will carry away the kindest memories of their generous hospitality.”

It was adopted.

P. W. Meldrim, of Georgia :

I have been requested by the Georgia Bar Association to submit to this Association the following resolution :

“ Resolved, That the American Bar Association recommends the passage of an act by Congress to make Stern’s United States Calendar competent evidence in courts of the United States.”

The President :

I will make a suggestion, that this is a resolution of this Association to alter one of the five or six hundred rules of evidence. The almanac is always evidence.

Henry Hitchcock :

I would ask the gentleman whether he thinks it wise for this Association to send out advertisements of this kind ?

The President :

The time will come, I hope, when there will be a code of evidence that everybody shall understand for the whole country. However, the resolution is not seconded, and this discussion is therefore out of order.

George W. Monteith, of California :

I offer the following :

“ Resolved, That a special committee of seven be appointed by the Chair to consider and report at the next annual meeting of this Association, upon the existing state of the

election laws of the different states of the Union, both civil and penal, and that said committee consider the feasibility of securing in the different states the adoption of a code of election laws covering the entire subject, both civil and penal, and including the registration of voters, the conduct of primaries and party organizations; a complete system of voting that will best prevent the commission of frauds at the polls, together with special proceedings for contesting elections; and that said committee further, if, in its discretion, it be deemed advisable, submit the draft of such code of election laws for consideration at the next meeting of this Association."

On motion, the resolution was laid on the table.

W. H. H. Russell, of California:

I offer the following resolution:

"Resolved, That whereas a National Bar Association was duly organized in the City of Washington two years ago, composed of reputable lawyers, selected as representatives from local and state Bar Associations of the several states, and at its last session, held in the City of Cleveland, unanimously declared by resolution its hearty co-operation with this Association in all its purposes, and to that end appointed three delegates to attend this Association at its last session in Saratoga, and said delegates did attend as such, and presented a petition in writing, through their chairman, the first President of this Association, the Honorable James O. Broadhead, of Missouri; therefore, be it

"Resolved, That the President of this Association appoint five delegates from this Association to attend the next session of the National Bar Association, to be held in the City of Indianapolis, and, as such delegates, to assure the said Association that this Association will co-operate with it in all its purposes and measures of law reform, and the advancement of the science of jurisprudence and the promotion of justice and the unification of necessary legislation throughout the United States."

Chas. Henry Butler, of New York:

I move that the resolution be referred to the Executive Committee.

Henry Wise Garnett, of the District of Columbia :

I move to lay it on the table.

The last motion was adopted, and the resolution was laid on the table.

The President :

It is now my duty to close this convention. Before I do so, let me thank you for the courtesy and consideration that have been shown me. Next, let me express the gratification that I have had in seeing so many eminent men, so many men distinguished in their profession, and distinguished, moreover, as statesmen. And let me add my hope that this meeting will not prove to be like the movement of a ship through the waters, leaving no trace behind. We have gone on smoothly, like that great ship which came across the ocean the other day quicker than was ever done before since the time when Columbus came to the west; but she left no trace in the waters. Let it not be said of the American Bar Association that it has left no trace, but let each of us retain a remembrance of what we have done, and maintain a firm resolve to do all we can in our several spheres to further the objects of the Association and the resolutions which have been passed, and, above all, to help make the laws of this great country of ours such as they should be for a republic of freemen. That is all I can wish the Association, and all I can wish you. Farewell.

EDWARD OTIS HINKLEY,
Secretary.

REPORT

OF THE

TREASURER.

1888-1889.

Dr.

To balance from last report, ...	\$1,442 85	
" cash received—dues of members, ...	3,325 00	
" " " —sale of Transactions, ...	16 95	
		\$4,784 80

Cr.

1888.

Aug. 15.	By cash paid—stationery, eleventh meet-		
	ing, ...	\$	2 02
17.	" —Geo. G. Wright, expenses		
	as President, ...		24 68
17.	" —Sundry expenses of elev-		
	enth dinner, ...		11 50
17.	" —Janitor, Music Hall, . . .		5 00
17.	" —F. O. Hinkley, expenses as		
	Secretary, for year end-		
	ing August, 1888, . . .		272 99
20.	" —H. C. Esling, expenses to		
	Saratoga, as clerk to		
	Treasurer, ...		27 50
21.	" —Grand Union Hotel, elev-		
	enth dinner, ...		474 50
25.	" —C. A. Morrison, Stenog-		
	rapher, eleventh meet-		
	ing, ...		135 10

Amounts carried forward, . . \$ 953 29 \$4,784 80

REPORT OF THE TREASURER.

57

1888.		By amounts brought forward, . . \$	953 29	\$4,784 80
Aug. 25.		By cash paid—Hogan & Robinson, print- ing Report Committee on Jurisprudence and Law Reform, ...	44 50	
Sept. 14.	"	—A. Putnam, use of Hall, eleventh meeting, . . .	90 00	
1889.				
Jan. 28.	"	—S. Wagner, expenses of Committee on Commer- cial Law, ...	36 10	
Feb. 1.	"	—Expenses of distribution of eleventh report, . .	129 90	
Mar. 11.	"	—Dando Printing and Pub- lishing Company, print- ing eleventh report, ex- tra copies of papers, etc.,	1,076 53	
12.	"	—Dando Printing and Pub- lishing Company, gen- eral printing, stamped envelopes, etc., to date, .	63 15	
May 4.	"	—Expenses of Committee, Relief of Supreme Court; expenses to Chi- cago to arrange meeting,	76 90	
July 6		—To use of Hall for twelfth meeting, ...	125 00	
6.	"	—Expenses of Committee on Jurisprudence and Law Reform, ...	15 50	
Aug. 20.	"	—H. C. Ealing, clerk to Treas- urer, for one year to date, ...	250 00	
20.	"	—Sundry expenses, telegrams, expressage, etc., for year ending August, 1889, .	15 25	

Amounts carried forward, . . \$2,876 12 \$4,784 80

1889.	By amounts brought forward, . .	\$2,876 12	\$4,784 80
Aug. 20.	By cash paid—Dando Printing and Publishing Company, general printing, stamped envelopes, etc., to date,	68 00	
	Balance, ...	1,840 68	\$4,784 80

Which balance consists of—

Amount to credit of Treasurer in Commonwealth National Bank of Philadelphia, ...	\$1,818 66
Cash on hand, ...	22 02
	<u>\$1,840 68</u>

Respectfully submitted,

FRANCIS RAWLE,

Treasurer.

CHICAGO, August 28, 1889.

Audited and found correct:

GEORGE TUCKER BISPHAM,

A. SYDNEY BIDDLE,

Auditing Committee.

MEMBERS REGISTERED

AT THE TWELFTH ANNUAL MEETING.

DAVID DUDLEY FIELD, ...	New York.
EDWARD OTIS HINKLEY, ...	Maryland.
FRANCIS RAWLE, ...	Pennsylvania.
GEORGE G. WRIGHT, ...	Iowa.
GEORGE A. MERCER, ...	Georgia.
C. C. BONNEY, ...	Illinois.
W. H. H. RUSSELL, ...	California.
HENRY B. BROWN, ...	Michigan.
ALEX. PORTER MORSE, ...	District of Columbia.
JOHN B. LARNER, ...	District of Columbia.
HENRY HITCHCOCK, ...	Missouri.
WILLIAM C. HAZELDINE, ...	New Mexico.
HENRY WISE GARNETT, ...	District of Columbia.
NORBORN T. N. ROBINSON, ...	District of Columbia.
WALTER B. HILL, ...	Georgia.
JAMES S. PIRTLE, ...	Kentucky.
JOHN T. MASON, R., ...	Maryland.
WM. P. WELLS, ...	Michigan.
JOHNSON T. PLATT, ...	Connecticut.
THOMAS J. SEMMES, ...	Louisiana.
E. P. GREEN, ...	Ohio.
E. B. SHERMAN, ...	Illinois.
E. B. PERKINS, ...	Texas.
MORTON P. HENRY, ...	Pennsylvania.
RICHARD VAUX, ...	Pennsylvania.
J. M. DICKINSON, ...	Tennessee.
ALEX. T. LONDON, ...	Alabama.
THOS. H. WATTS, JR., ...	Alabama.
HENRY C. SEMPLE, ...	Alabama.
HENRY C. TOMPKINS, ...	Alabama.
JOHN M. GAUT, ...	Tennessee.
SIMEON E. BALDWIN, ...	Connecticut.
LEMUEL R. CAMPBELL, ...	Tennessee.
ROBERT F. JACKSON, ...	Tennessee.
N. T. GUERNSEY, ...	Iowa.

A. J. McCrary, ...	Iowa.
JAMES E. WITHROW, ...	Missouri.
R. W. WILLIAMS, ...	Florida.
E. T. MERRICK, ...	Louisiana.
P. W. MELDRIM, ...	Georgia.
C. C. SHARON, ...	Illinois.
AARON A. FERRIS, ...	Ohio.
ALFRED ENNIS, ...	Illinois.
THOMAS DENT, ...	Illinois.
LYMAN TRUMBULL, ...	Illinois.
B. F. AYER, ...	Illinois.
FREDERIC ULLMANN, ...	Illinois.
JOHN W. AKIN, ...	Georgia.
THOS. J. O'BRIEN, ...	Michigan.
WALLACE PRATT, ...	Missouri.
CHAS. HENRY BUTLER, ...	New York.
GEO. F. APPLEBY, ...	District of Columbia.
FRANCIS B. DANIELS, ...	Iowa.
BRADLEY G. SCHLEY, ...	Wisconsin.
A. A. JACKSON, ...	Wisconsin.
CHAS. MONROE, ...	Kansas.
A. R. LAWTON, ...	Georgia.
J. W. FELLOWS, ...	New Hampshire.
RICHARD WAYNE PARKER, ...	New Jersey.
EDWARD C. KEHR, ...	Missouri.
JAMES M. LEWIS, ...	Missouri.
CHAS. B. SMITH, ...	Kansas.
W. C. PERRY, ...	Kansas.
CHAS. S. GLEED, ...	Kansas.
M. T. BRYAN, ...	Tennessee.
J. FRANK FORT, ...	New Jersey.
EGBERT WHITTAKER, ...	New York.
CHAS. C. LANCASTER, ...	District of Columbia.
GEO. TUCKER BISPHAM, ...	Pennsylvania.
H. G. MCINTIRE, ...	Montana.
HIRAM F. STEVENS, ...	Minnesota.
WALTER GEORGE SMITH, ...	Pennsylvania.
A. SYDNEY BIDDLE, ...	Pennsylvania.
A. B. TINKER, ...	Ohio.
HARSEN D. SMITH, ...	Michigan.
GUS. A. BREAUX, ...	Louisiana.
A. G. BRICE, ...	Louisiana.
WM. A. COLLIER, ...	Tennessee.
JOHN DEERY, ...	Iowa.
R. C. BENTON, ...	Minnesota.

WM. A. WALKER, JR.,	Alabama.
GEO. P. WANTY,	Michigan.
CHARLES H. LEE,	Wisconsin.
WM. P. MCCLUER,	Minnesota.
ALBERT B. OVITT,	Minnesota.
CH. RICHARDSON MILES,	South Carolina.
THOS. F. DAVIDSON,	Indiana.
JOHN R. WILSON,	Indiana.
BENJ. A. WINTERNITZ,	Pennsylvania.
EUGENE AMBROSE PHILBIN,	New York.
B. F. BUCKNER,	Kentucky.
JACOB F. BURKET,	Ohio.
W. A. SUDDUTH,	Kentucky.
J. W. WRIGHT,	South Dakota.
R. E. MONAGHAN,	Pennsylvania.
THOMAS A. E. WEADOCK,	Michigan.
J. FRANK E. HAUSE,	Pennsylvania.
ADELBERT MOOT,	New York.
M. G. JEFFREIS,	Wisconsin.
EDWARD M. HYZER,	Wisconsin.
THOMAS WILSON,	Minnesota.
E. F. TRABUE,	Kentucky.
B. M. MALONE,	Wisconsin.
T. N. WAUL,	Texas.
FINLEY BURKE,	Iowa.
EMLIN MCCLAIN,	Iowa.
HOWARD PAYSON WILDS,	New York.
CHAS. CLAFLIN ALLEN,	Missouri.
CHARLES DUNHAM,	Illinois.
GEORGE M. SHARP,	Maryland.
MORRIS GOODHART,	New York.
W. H. WEBSTER,	Wisconsin.
GEORGE GLUYAS MERCER,	Pennsylvania.
A. MCC. HOLDING,	Pennsylvania.
M. A. HURLEY,	Wisconsin.
W. C. SILVERTHORN,	Wisconsin.
ROBT. R. BALDWIN,	Iowa.
JAMES LYONS,	Virginia.
A. W. JONES,	Ohio.
GEO. DRIGGS,	Illinois.
CHAS. H. ALDRICH,	Illinois.
JOHN F. DUNCOMBE,	Iowa.
HENRY B. SAYLER,	Indiana.
JAS. VAN VALKENBURG,	Iowa.
THAD. S. FANCHER,	Indiana.

MARSHALL HANGER, ...	Virginia.
S. V. SOUTHALL, ...	Virginia.
R. A. HILL, ...	Mississippi.
ALBION CATE, ...	Illinois.
JOHN DEAN CATON, ...	Illinois.
BURR W. JONES, ...	Wisconsin.
JNO. L. WEBSTER, ...	Nebraska.
WM. R. DONALDSON, ...	Missouri.
OLIVER H. HORTON, ...	Illinois.
JAS. B. BRADWELL, ...	Illinois.
CHAS. L. DOBSON, ...	Missouri.
GARDINER LATHROP, ...	Missouri.
JOHN S. HUEY, ...	Illinois.
J. EDWARD FAY, ...	Illinois.
WM. BARGER, ...	Illinois.
FRANCIS LACKNER, ...	Illinois.
JOHN H. HAMLINE, ...	Illinois.
JOEL W. TYLER, ...	Ohio.
G. W. KRETZINGER, ...	Illinois.
ROBT. F. JACKSON, ...	Tennessee.
JOHN H. THOMPSON, ...	Illinois.
GEO. R. PECK, ...	Kansas.
J. M. WOOLWORTH, ...	Nebraska.
S. A. CHAMPION, ...	Tennessee.
AUG. C. BALDWIN, ...	Michigan.
FRANCIS T. COLBY, ...	Illinois.
H. B. HURD, ...	Illinois.
MYRON H. BEACH, ...	Illinois.
EDWIN BURRITT SMITH, ...	Illinois.
WM. J. ENGLISH, ...	Illinois.
E. HOWARD MCCALED, ...	Louisiana.
GEORGE W. MONTEITH, ...	California.
ROBERT T. DEVLIN, ...	California.

LIST OF DELEGATES.

ALABAMA STATE BAR ASSOCIATION.

ALEX. T. LONDON, E. L. RUSSELL,
D. D. SHELBY.

GEORGIA STATE BAR ASSOCIATION.

WALTER B. HILL, P. W. MELDRIM,
JOHN W. AKIN.

ILLINOIS STATE BAR ASSOCIATION.

ETHELBERT CALLAHAN, JAMES H. RAYMOND,
WILLIAM L. GROSS.

KANSAS STATE BAR ASSOCIATION.

CHARLES MONROE, C. B. SMITH,
W. C. PERRY.

BALTIMORE CITY BAR ASSOCIATION, MARYLAND.

THOMAS W. HALL, GEORGE M. SHARP.

OAKLAND COUNTY BAR ASSOCIATION, MICHIGAN.

AUGUSTUS C. BALDWIN, MARX S. BREWER.

MINNESOTA STATE BAR ASSOCIATION.

W. M. McCLUER.

MISSISSIPPI STATE BAR ASSOCIATION.

C. H. ALEXANDER.

MISSOURI STATE BAR ASSOCIATION.

ALEXANDER MARTIN, GARDINER LATHROP,
G. B. MACFARLAN.

MONTANA BAR ASSOCIATION.

J. W. STREVELL, HENRY G. McINTIRE,
JAMES U. SANDERS.

NEW MEXICO BAR ASSOCIATION.

J. A. WILLIAMSON, W. C. HAZLEDINE,
HENRY H. WALDO.

OHIO STATE BAR ASSOCIATION.

JOHN H. DOYLE, J. F. BURKET,
J. J. MOORE.

CHESTER COUNTY BAR ASSOCIATION, PENNSYLVANIA.

A. McC. HOLDING.

LAWRENCE COUNTY BAR ASSOCIATION, PENNSYLVANIA.

S. W. DANA, B. A. WINTERNITZ.

SOUTH CAROLINA STATE BAR ASSOCIATION.

H. E. YOUNG, D. S. HENDERSON,
W. A. CLARK.

TENNESSEE STATE BAR ASSOCIATION.

W. A. COLLIER, GEORGE ANDREWS,
HORACE H. LURTON.

TEXAS STATE BAR ASSOCIATION.

E. B. PERKINS, W. D. WILLIAMS,
J. H. McLEARY.

VIRGINIA STATE BAR ASSOCIATION.

MARSHALL HANGER, S. V. SOUTHALL.

LIST OF MEMBERS ELECTED.

ALABAMA.

LONDON, ALEXANDER T., ... Birmingham.
RUSSELL, EDWARD L., ... Mobile.
WATTS, THOMAS H., JR., ... Montgomery.

ARKANSAS.

CARUTH, GEORGE WM., ... Little Rock.

CALIFORNIA.

BARNES, W. H. L., ... San Francisco.
BOYCE, JOHN J., ... Santa Barbara.
DEVLIN, ROBERT T., ... Sacramento.
ESTES, M. M., ... San Francisco.
FULLER, GEORGE, ... San Diego.
GIBSON, JAMES A., ... San Bernardino.
GOODWIN, JAMES P., ... San Diego.
MONTEITH, GEORGE W., ... San Diego.
MORCHAUSE, A. V., ... Salinas.
MCDONALD, J. WADE, ... San Diego.
OTIS, GEORGE E., ... San Bernardino.
REDDING, JOSEPH D., ... San Francisco.
THORNTON, CRITTENDEN, ... San Francisco.
TREAT, B. B., ... Los Angeles.
WHITE, STEPHEN M., ... Los Angeles.
WORKS, JOHN D., ... San Francisco.

DISTRICT OF COLUMBIA.

BALDWIN, WILLIAM D., ... Washington.
BARNARD, JOB, ... Washington.
BURTON, ROBERT A., ... Washington.

DISTRICT OF COLUMBIA.—Continued.

CARUSI, EUGENE, ...	Washington.
COLE, C. C., ...	Washington.
DAVIS, H. E., ...	Washington.
GORDON, WILLIAM A., ...	Washington.
HINE, LEMON G., ...	Washington.
HOGUE, JOHN BLAIR, ...	Washington.
KING, GEORGE A., ...	Washington.
MILLER, WILLIAM J., ...	Washington.
MOORE, JOHN B., ...	Washington.
McKENNEY, WILLIAM A., ...	Washington.
McKNIGHT, DAVID A., ...	Washington.
TAGART, HUGH T., ...	Washington.

GEORGIA.

AKIN, JOHN W., ...	Cartersville.
ESTES, CLAUD, ...	Macon.
THOMAS, GEORGE DUDLEY, ...	Athens.

ILLINOIS.

ALTGELD, JOHN P., ...	Chicago.
BALDWIN, JESSE A., ...	Chicago.
BARGE, WILLIAM, ...	Dixon.
BARKER, JOSEPH N., ...	Chicago.
BARTON, JESSE B., ...	Chicago.
BEACH, MYRON H., ...	Chicago.
BLISS, E. R., ...	Chicago.
BOND, LESTER L., ...	Chicago.
BRADWELL, JAMES B., ...	Chicago.
BRAWLEY, FRANCIS W. S., ...	Chicago.
BRYAN, THOMAS B., ...	Chicago.
BURNHAM, HUGH L., ...	Chicago.
BUTZ, OTTO C., ...	Chicago.
CALLAHAN, ETHELBERT, ...	Robinson.
CASS, GEORGE W., ...	Chicago.
CATE, ALBION, ...	Chicago.
CATON, JOHN DEAN, ...	Chicago.
COLBY, FRANCIS T., ...	Chicago.
COOK, BURTON C., ...	Chicago.
COOPER, JOHN S., ...	Chicago.
CRAWFORD, ANDREW, ...	Chicago.

ILLINOIS.—Continued.

CRAWFORD, MONROE C., ...	Murphysboro.
DINSMOOR, JARVIS, ...	Sterling.
DOOLITTLE, JAMES R., ...	Chicago.
DRIGGS, GEORGE, ...	Chicago.
EASTMAN, SIDNEY C., ...	Chicago.
ENGLISH, WILLIAM J., ...	Chicago.
EVERETT, JOHN C., ...	Chicago.
EVERETT, WILLIAM S., ...	Chicago.
EWING, WILLIAM G., ...	Chicago.
FAY, J. EDWARDS, ...	Chicago.
GAPEN, CLARK, ...	Chicago.
GARTSIDE, JOHN M., ...	Chicago.
GARY, ELBERT H., ...	Chicago.
GIBBONS, JOHN, ...	Chicago.
GOODWIN, DANIEL, ...	Chicago.
HALL, GEORGE W., ...	Chicago.
HAMLIN, JOHN H., ...	Chicago.
HAMMER, D. HARRY, ...	Chicago.
HARDING, GEORGE F., ...	Chicago.
HARKNESS, EDSON J., ...	Chicago.
HIGGINS, VAN HOLLIS, ...	Chicago.
HOLDOM, JESSE, ...	Chicago.
HOLT, ALFRED E., ...	Rockford.
HOLT, CHARLES S., ...	Chicago.
HORTON, OLIVER H., ...	Chicago.
HOYNE, PHILIP A., ...	Chicago.
HUEY, JOHN S., ...	Chicago.
HUNT, GEORGE, ...	Springfield.
JAMIESON, EGBERT, ...	Chicago.
JENKINS, ROBERT E., ...	Chicago.
JEWETT, JOHN N., ...	Chicago.
KRETZINGER, GEORGE W., ...	Chicago.
LACKNER, FRANCIS, ...	Chicago.
LEAMING, JEREMIAH, ...	Chicago.
LYMAN, DAVID B., ...	Chicago.
MANNING, WILLIAM J., ...	Chicago.
MILLER, H. H. C., ...	Chicago.
MILLER, JOHN S., ...	Chicago.
MORAN, THOMAS A., ...	Chicago.
MOSES, ADOLPH, ...	Chicago.
MCCONNELL, SAMUEL P., ...	Chicago.
MCMURDY, ROBERT H., ...	Chicago.
NEEDHAM, CHARLES W., ...	Chicago.

ILLINOIS.—Continued.

ORENDORF, ALFRED, ...	Springfield.
OTIS, EPHRAIM A., ...	Chicago.
PAYNE, JOHN BARTON, ...	Chicago.
PENCE, ABRAM M., ...	Chicago.
POLLASKY, MARCUS, ...	Chicago.
POWERS, MILLARD R., ...	Evanston.
PRUSSING, EUGENE E., ...	Chicago.
RAYMOND, JAMES H., ...	Chicago.
RICHARDSON, WILLIAM H., ...	Chicago.
RIGGS, JAMES M., ...	Winchester.
RINAKER, JOHN I., ...	Carlinville.
ROSENTHAL, JULIUS, ...	Chicago.
RUNNELLS, JOHN S., ...	Chicago.
SANFORD, EDWARD, ...	Morris.
SCAMMON, J. YOUNG, ...	Chicago.
SCOTT, JOHN M., ...	Bloomington.
SHEPARD, HENRY M., ...	Chicago.
SMITH, FRANK J., ...	Chicago.
STRAWN, CHRISTOPHER C., ...	Chicago.
TEWKESBURY, WILLIAM J., ...	Chicago.
THOMAN, LEROY D., ...	Chicago.
THOMPSON, JOHN H., ...	Chicago.
TUTHILL, RICHARD S., ...	Chicago.
VOCHE, WILLIAM, ...	Chicago.
WASHBURN, HEMPSTEAD, ...	Chicago.
WILE, DAVID J., ...	Chicago.
WILLARD, GARDNER G., ...	Chicago.
WILLARD, GEORGE, ...	Chicago.
WILLETT, CONSIDER H., ...	Chicago.
WILLITS, GEORGE S., ...	Chicago.

INDIANA.

BUTLER, NOBLE C., ...	Indianapolis.
FANCHER, THADEUS S., ...	Crown Point.
HUTCHINS, JESSE F., ...	Wabash.
IGLEHART, JOHN E., ...	Evansville.
MORRIS, NATHAN, ...	Indianapolis.
SAYLER, HENRY B., ...	Huntingdon.

IOWA.

BALDWIN, ROBERT R., ...	Clinton.
BURKE, FINLEY, ...	Council Bluffs.
DEERY, JOHN, ...	Dubuque.
GUERNSEY, NATHANIEL F., ...	Des Moines.
MCCLAINE, EMLEN, ...	Iowa City.
MCCRARY, A. J., ...	Keokuk.
VAN VALKENBURG, JOHN, ...	Fort Madison.

KANSAS.

GLEED, CHARLES S., ...	Topeka.
MONROE, CHARLES, ...	Topeka.
PERRY, WILLIAM C., ...	Topeka.
SMITH, CHARLES B., ...	Topeka.

KENTUCKY.

HENDRICK, W. J., ...	Flemingsburg.
SUDDUTH, W. A., ...	Louisville.

LOUISIANA.

BRICE, ALBERT G., ...	New Orleans.
MERRICK, EDWIN T., JR., ...	New Orleans.

MASSACHUSETTS.

FULLER, HORACE W., ...	Boston.
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MICHIGAN.

BALDWIN, AUGUSTUS C., ...	Pontiac.
CONELY, EDWIN F., ...	Detroit.
FLETCHER, NIRAM A., ...	Grand Rapids.
McKNIGHT, R. B., ...	East Saginaw.
RUSSELL, ALFRED, ...	Detroit.
SELLERS, ELIAS H., ...	Detroit.
SMITH, HANSEN D., ...	Cassapolis.
WANTY, GEORGE P., ...	Grand Rapids.
WEADOCK, GEORGE W., ...	East Saginaw.

MINNESOTA.

OVITT, ALBERT B., ...	St. Paul.
OZMAN, EDWARD H., ...	St. Paul.
SHAW, JOHN M., ...	Minneapolis.
SPRINGER, J. D., ...	Minneapolis.
TIGHE, AMBROSE, ...	St. Paul.
WENZEL, H. B., ...	St. Paul.
WILSON, EUGENE M., ...	Minneapolis.

MISSISSIPPI.

HILL, R. A., ...	Oxford.
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MISSOURI.

ALLEN, CHARLES CLAFLIN	St. Louis.
CRITTENDEN, C. C., ...	Kansas City.
DICKSON, JOHN M., ...	St. Louis.
GIVAN, NOAH M., ...	Harrisonville.
HAGERMAN, FRANK, ...	Kansas City.
HAGERMAN, JAMES, ...	Kansas City.
KARNES, J. V. C., ...	Kansas City.
KERN, ROBERT H., ...	St. Louis.
MARTIN, ALEXANDER, ...	St. Lou's.
MCCRARY, GEORGE W., ...	Kansas City.
PORTIS, THOMAS J., ...	St. Louis.
SPENCER, SELDEN P., ...	St. Louis.

NEBRASKA.

COWIN, J. C., ...	Omaha.
ESTABROOK, EXPERIENCE, ...	Omaha.
GREEN, CHARLES J., ...	Omaha.
HARWOOD, N. S., ...	Lincoln.
PRITCHETT, GEORGE E., ...	Omaha.
WEBSTER, JOHN L., ...	Omaha.

NEW MEXICO.

HAZLEDINE, WILLIAM C., ...	Albuquerque.
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NEW YORK.

CUMING, JAMES R., ...	New York.
DOS PASSOS, JOHN R., ...	New York.
DOUGHERTY, J. HAMPDEN, ...	New York.
GOODHART, MORRIS, ...	New York.
LEAVITT, JOHN BROOKS, ...	New York.
LORD, SCOTT, ...	New York.
PHILBIN, EUGENE AMBROSE, ...	New York.
WILDS, HOWARD PAYSON, ...	New York.

OHIO.

BURKET, JACOB F., ...	Findlay.
COON, JOHN, ...	Cleveland.
COX, JOSEPH, ...	Cincinnati.
DOYLE, JOHN H., ...	Toledo.
FITCH, EDWARD H., ...	Jefferson.
GOULDER, HARVEY V.	Cleveland.
STEVENSON, JOB E., ...	Cincinnati.
TERRELL, WILLIAM J., ...	Youngstown.
TINKER, ALBERT B., ...	Akron.
TYLER, JOEL W., ...	Cleveland.
VORIS, EDWIN F., ...	Akron.
WHEELER, SETH S., ...	Lima.

PENNSYLVANIA.

DANA, SAMUEL W., ...	New Castle.
HAUSE, J. FRANK E., ...	West Chester.
MARTIN, J. WILLIS, ...	Philadelphia.
MONAGHAN, R. JONES, ...	West Chester.
MORGAN, RANDAL, ...	Philadelphia.
PRICE, ELI KIRK, ...	Philadelphia.
WINTERNITZ, BENJAMIN A., ...	New Castle.

SOUTH CAROLINA.

BROWN, GEORGE W., ...	Darlington.
MILES, CH. RICHARDSON, ...	Charleston.

SOUTH DAKOTA.

WRIGHT, J. W., ...	Clark.
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TENNESSEE.

BRYAN, MALACHI T., ...	Nashville.
CAMPBELL, LEMUEL R., ...	Nashville.
CHAMPION, SAMUEL A., ...	Nashville.
COLLIER, W. A., ...	Memphis.
JACKSON, ROBERT F., ...	Nashville.
MCCORRY, H. W., ...	Jackson.
POSTON, FRANK P., ...	Memphis.
VERTREES, J. J., ...	Nashville.

TEXAS.

PERKINS, E. B., ...	Greenville.
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VIRGINIA.

SOUTHALL, S. V., ...	Charlottesville.
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WISCONSIN.

AUSTIN, R. A., ...	Milwaukee.
BARBER, CHARLES, ...	Oshkosh.
BASHFORD, R. M., ...	Madison.
BENNETT, JOHN R., ...	Janesville.
BIRD, GEORGE W., ...	Madison.
BLEEKMAN, A. E., ...	La Crosse.
BRAGG, EDWARD S., ...	Fond du Lac.
BUSHNELL, ALLEN R., ...	Lancaster.
CLEMENTSON, GEORGE, ...	Lancaster.
COTZHAUSEN, F. W., ...	Milwaukee.
ESTABROOK, C. E., ...	Madison.
FAIRCHILD, H. O., ...	Marinette.
FELKER, CHARLES W., ...	Oshkosh.
FISH, JOHN T., ...	Milwaukee.
GILSON, N. S., ...	Fond du Lac.
GREGORY, CHARLES N., ...	Madison.
GRENNE, GEORGE G., ...	Green Bay.
HOWARD, SAMUEL, ...	Milwaukee.
HOYT, FRANK M., ...	Milwaukee.
HURLEY, M. A., ...	Wausau.
HYZER, EDWARD M., ...	Janesville.
JEFFRIES, MALCOLM G., ...	Janesville.
JONES, BURE W., ...	Madison.

WISCONSIN.—Continued.

LEE, CHARLES H., ...	Racine.
LEWIS, H. M., ...	Madison.
MALLORY, JAMES A., ...	Milwaukee.
MALONE, BOOTH M., ...	Beloit.
MILLER, B. K., JR., ...	Milwaukee.
MCBRIDE, J. B., ...	Neilsville.
ORTON, PHILO A., ...	Darlington.
PALMER, H. L., ...	Milwaukee.
REED, MYRON, ...	West Superior.
RING, M. C., ...	Neilsville.
ROSE, D. S., ...	Milwaukee.
SALE, JOHN W., ...	Janesville.
SANBORN, A. L., ...	Madison.
SEAMAN, WILLIAM H., ...	Sheboygan.
SHEPARD, CHARLES E., ...	Milwaukee.
SILVERTHORN, W. C., ...	Wausau.
SMITH, E. P., ...	Milwaukee.
SPOONER, JOHN C., ...	Hudson.
STEVENS, BREESE J., ...	Madison.
VROMAN, CHARLES E., ...	Green Bay.
WEBSTER, W. H., ...	Oconto.
WIGMAN, J. H. M., ...	Green Bay.
WINANS, JOHN, ...	Janesville.

RECAPITULATION.

STATES.	NO. OF MEMBERS.
Alabama, ...	3
Arkansas, ...	1
California, ...	16
District of Columbia, ...	15
Georgia, ...	3
Illinois, ...	96
Indiana, ...	6
Iowa, ...	7
Kansas, ...	4
Kentucky, ...	2
Louisiana, ...	2
Massachusetts, ...	1
Michigan, ...	9
Minnesota, ...	7

STATES.	NO. OF MEMBERS.
Mississippi, ...	1
Missouri, ...	12
Nebraska, ...	6
New Mexico, ...	1
New York, ...	8
Ohio, ...	12
Pennsylvania, ...	7
South Carolina, ...	2
South Dakota, ...	1
Tennessee, ...	8
Texas, ...	1
Virginia, ...	1
Wisconsin, ...	47
Total, ...	279

MEMORANDUM.

The Chicago Bar Association gave a banquet in honor of the Association, on Friday evening, August 30th, at the Grand Pacific Hotel. Francis Lackner, Esq., of the Chicago Bar, presided.

LIST OF PRESIDENTS.

1. 1878-79.—JAMES O. BROADHEAD, ... St. Louis, Missouri.
2. 1879-80.—BENJAMIN H. BRISTOW, ... New York, New York..
3. 1880-81.—EDWARD J. PHELPS, ... Burlington, Vermont.
4. 1881-82.—CLARKSON N. POTTER, ... New York, New York.
5. 1882-83.—ALEXANDER R. LAWTON, . . . Savannah, Georgia.
6. 1883-84.—CORTLANDT PARKER, ... Newark, New Jersey.
7. 1884-85.—JOHN W. STEVENSON, ... Covington, Kentucky.
8. 1885-86.—WILLIAM ALLEN BUTLER, . . . New York, New York.
9. 1886-87.—THOMAS J. SEMMES, ... New Orleans, Louisiana..
10. 1887-88.—GEORGE G. WRIGHT, ... Des Moines, Iowa.
11. 1888-89.—DAVID DUDLEY FIELD, ... New York, New York.
12. 1889-90.—HENRY HITCHCOCK, ... St. Louis, Missouri.

CONSTITUTION.

NAME AND OBJECT.

ARTICLE I.—This Association shall be known as “THE AMERICAN BAR ASSOCIATION.” Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of the law, and encourage cordial intercourse among the members of the American Bar.

QUALIFICATIONS FOR MEMBERSHIP.

ARTICLE II.—Any person shall be eligible to membership in this Association who shall be, and shall, for five years next preceding, have been, a member in good standing of the Bar of any State, and who shall also be nominated as hereinafter provided.

OFFICERS AND COMMITTEES.

ARTICLE III.—The following officers shall be elected at each Annual Meeting for the year ensuing: A President (the same person shall not be elected President two years in succession); one Vice-President from each state; a Secretary; a Treasurer; a Council, consisting of one member from each state (the Council shall be a standing committee on nominations for office); an Executive Committee, which shall consist of the President, the last ex-President, the Secretary, and the Treasurer, all of whom shall be *ex officio* members, together with three other members, to be chosen by the Association, and the President, and in his absence the ex-President shall be the Chairman of the committee.

The following committees shall be annually appointed by the President, for the year ensuing, and shall consist of five members each :

- On Jurisprudence and Law Reform ;
- On Judicial Administration and Remedial Procedure ;
- On Legal Education and Admissions to the Bar ;
- On Commercial Law ;
- On International Law ;
- On Publications ;
- On Grievances.

A majority of those members of any committee, including the Council, who may be present at any meeting of the Association, shall constitute a quorum of such committee for the purposes of such meeting.

The Vice-President for each state, and not less than two other members from such state, to be annually elected, shall constitute a Local Council for such state, to which shall be referred all applications for membership from such state. The Vice-President shall be, *ex officio*, Chairman of such Council.

A committee of three, of whom the Secretary shall always be one, shall be appointed by the President at each Annual Meeting of the Association, whose duty it shall be to report to the next meeting the names of all members who shall, in the interval, have died, with such notices of them as shall, in the discretion of the committee, be proper.

It shall be the duty of the Vice-President from each state and territory to report the deaths of members within the same to the said committee.

ELECTION OF MEMBERS.

ARTICLE IV.—All nominations for membership shall be made by the Local Council of the state to the Bar of which the persons nominated belong. Such nominations must be transmitted in writing to the Chairman of the General Council, and approved by the Council, on vote by ballot.

The General Council may also nominate members from states having no Local Council, and at the Annual Meeting of the Association, in the absence of all members of the Local Council of any state; *Provided*, That no nomination shall be considered by the General Council, unless accompanied by a statement in writing by at least three members of the Association from the same state with the person nominated, or, in their absence, by members from a neighboring state or states, to the effect that the person nominated has the qualifications required by the constitution, and desires to become a member of the Association, and recommending his admission as a member.

All nominations thus made or approved shall be reported by the Council to the Association, and all whose names are reported shall thereupon become members of the Association; *Provided*, That if any member demand a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot.

Several nominees, if from the same state, may be voted for upon the same ballot; and in such case placing the word "No" against any name or names upon the ticket shall be deemed a negative vote against such name or names, and against those only. Five negative votes shall suffice to defeat an election.

ARTICLE V.—All members of the Conference adopting the constitution, and all persons elected by them upon the recommendation of the committee of five appointed by such Conference, shall become members of the Association upon payment of the annual dues for the current year herein provided for.

BY-LAWS.

ARTICLE VI.—By-Laws may be adopted at any Annual Meeting of the Association by a majority of the members present. It shall be the duty of the Executive Committee, without delay, to adopt suitable By-Laws, which shall be in force until rescinded by the Association.

DUES.

ARTICLE VII.—Each member shall pay five dollars to the Treasurer as annual dues, and no person shall be qualified to exercise any privilege of membership who is in default. Such dues shall be payable, and the payment thereof enforced, as may be provided by the By-Laws. Members shall be entitled to receive all publications of the Association free of charge.

ANNUAL ADDRESS.

ARTICLE VIII.—The President shall open each Annual Meeting of the Association with an address, in which he shall communicate the most noteworthy changes in statute law on points of general interest made in the several states and by Congress during the preceding year. It shall be the duty of the member of the General Council from each state to report to the President, on or before the first day of May, annually, any such legislation in his state.

ANNUAL MEETINGS.

ARTICLE IX.*—This Association shall meet annually, at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

AMENDMENTS.

ARTICLE X.—This constitution may be altered or amended by a vote of three-fourths of the members present at any Annual Meeting, but no such change shall be made at any meeting at which less than thirty members are present.

CONSTRUCTION.

ARTICLE XI.—The word "*state*," whenever used in this constitution, shall be deemed to be equivalent to *state, territory*, and the *District of Columbia*.

* As amended on August 30, 1889.

BY-LAWS.

MEETING OF THE ASSOCIATION.

I.—The Executive Committee, at its first meeting after each Annual Meeting, shall select some person to make an address at the next Annual Meeting, and not exceeding six members of the Association to read papers.

II.—The order of exercises at the Annual Meeting shall be as follows :

- (a) Opening Address of the President.
- (b) Nominations and Election of Members.
- (c) Election of the General Council.
- (d) Reports of Secretary and Treasurer.
- (e) Report of Executive Committee.
- (f) Reports of Standing Committees.
 - On Jurisprudence and Law Reform ;
 - On Judicial Administration and Remedial Procedure ;
 - On Legal Education and Admissions to the Bar ;
 - On Commercial Law ;
 - On International Law ;
 - On Publications ;
 - On Grievances.
- (g) Reports of Special Committees.
- (h) The Nomination of Officers.
- (i) Miscellaneous Business.
- (j) The Election of Officers.

The address, to be delivered by a person invited by the Executive Committee, shall be made at the morning session of the second day of the Annual Meeting.

The reading and delivering of essays and papers shall be on the same day, or at such other time as the Executive Committee may determine.

III.—No person shall speak more than ten minutes at a time or more than twice on one subject.

A stenographer shall be employed at each Annual Meeting.

IV.—Each State Bar Association may annually appoint delegates, not exceeding three in number, to the next meeting of the Association. In states where no State Bar Association exists, any City or County Bar Association may appoint such delegates not exceeding two in number. Such delegates shall be entitled to all the privileges of membership at and during the said meeting.

V.—At any of the meetings of the Association, members of the Bar of any foreign country or of any state who are not members of the Association may be admitted to the privileges of the floor during such meeting.

VI.—All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of committees, and all proceedings at the Annual Meeting shall be printed; but no other address made or paper read or presented shall be printed, except by order of the Committee on Publications.

Extra copies of reports, addresses, and papers read before the Association may be printed by the Committee on Publications for the use of their authors, not exceeding two hundred copies for each of such authors.

The Secretary and the Chairman of the Executive Committee shall endeavor to arrange with the Smithsonian Institution, or otherwise, a system of exchanges by which the *Transactions* can be annually exchanged with those of other associations in foreign countries interested in jurisprudence or governmental

affairs; and the Secretary shall exchange the *Transactions* with those of the state and local Bar Associations; and all books thus acquired shall be bound and deposited in the charge of the New York City Bar Association, subject to the call of this Association, if it ever desires to withdraw or consult them, if the latter Association agrees to such deposit.

The Secretary shall send one copy of the Report of the proceedings of this Association to the President of the United States, and to each of the judges of the Supreme Court thereof, and to the Library of the State Department, and of the Department of Justice thereof, and to the Library of Congress, and the Library of the Supreme Court thereof, and to the Governor, and to the Chief Judge of the court of last resort of each state, and to the State Librarian thereof, and to all public law libraries, and other principal public and college libraries in the United States, and to such other persons or bodies as the Executive Committee may direct.

No resolution complimentary to an officer or member for any service performed, paper read, or address delivered shall be considered by the Association.

OFFICERS AND COMMITTEES.

VII.—The terms of office of all officers elected at any Annual Meeting shall commence at the adjournment of such meeting, except the Council, whose term of office shall commence immediately upon their election.

VIII.—The President shall appoint all committees, except the Committee on Publications, within thirty days after the Annual Meeting, and shall announce them to the Secretary, and the Secretary shall promptly give notice to the persons appointed. The Committee on Publications shall be appointed on the first day of each meeting.

IX.—The Treasurer's Report shall be examined and audited annually, before its presentation to the Association, by two

members to be appointed by the Chairman of the Executive Committee.

X.—The Council and all standing committees shall meet on the day preceding each Annual Meeting, at the place where the same is to be held, at such hour as their respective Chairmen shall appoint. If at any Annual Meeting of the Association any member of any committee shall be absent, the vacancy may be filled by the members of the committee present.

The Secretary of the Association shall be the Secretary of the Council.

XI.—The Committee on Publications shall also meet within one month after each Annual Meeting, at such time and place as the Chairman shall appoint.

XII.—Special meetings of any committee shall be held at such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

The traveling and other necessary expenses incurred by any committee, standing or special, for meetings of such committee, during the interval between the Annual Meetings of the Association, shall be paid by the Treasurer, on the approval and by the order of the Executive Committee.

All committees may have their reports printed by the Secretary before the Annual Meeting of the Association; and any such report, containing any recommendation for action on the part of the Association, shall be printed and shall be distributed by mail by the Secretary to all the members of the Association at least fifteen days before the Annual Meeting at which such report is proposed to be submitted.*

* The following resolution was adopted on August 30, 1889 :

"*Resolved*, That any standing or special committee hereafter reporting necessary legislation, shall prepare a bill embodying their views, for the approval of the Association."

ANNUAL DUES.

XIII.—The Annual Dues shall be payable at the Annual Meeting in advance. If any member neglects to pay them for any year at or before the next Annual Meeting, he shall cease to be a member. The Treasurer shall give notice of this By-Law, within sixty days after each meeting, to all members in default.

A member who has been dropped from the roll for non-payment of dues may be restored to membership by the Executive Committee upon the payment of all back dues. *Provided*, such restoration shall be recommended by a member of the Local Council of his state, or, in their absence, at an Annual Meeting, by any two members of the Association.

OFFICERS—1889-90.

PRESIDENT.

HENRY HITCHCOCK,

St. Louis, Missouri.

SECRETARY.

EDWARD OTIS HINKLEY,

215, N. Charles Street, Baltimore, Maryland.

TREASURER.

FRANCIS RAWLE,

402, Walnut Street, Philadelphia, Pennsylvania.

EXECUTIVE COMMITTEE.

Ex officio.

HENRY HITCHCOCK, PRESIDENT.

DAVID DUDLEY FIELD, LAST PRESIDENT.

EDWARD OTIS HINKLEY, SECRETARY.

FRANCIS RAWLE, TREASURER.

Elected Members.

GEORGE A. MERCER, *Savannah, Georgia.*

JOHN RANDOLPH TUCKER, *Lexington, Virginia.*

CHARLES CARROLL BONNEY, *Chicago, Illinois.*

GENERAL COUNCIL.

ALABAMA, ...	HENRY C. SEMPLE.
ARKANSAS, ...	M. M. COHN.
CALIFORNIA, ...	GEO. W. MONTEITH.
COLORADO, ...	GEO. J. BOAL.
CONNECTICUT, ...	JOHNSON T. PLATT.
DELAWARE, ...	IGNATIUS C. GRUBB.
DISTRICT OF COLUMBIA, ...	ALEX. P. MORSE.
FLORIDA, ...	R. W. WILLIAMS.
GEORGIA, ...	GEO. A. MERCER.
ILLINOIS, ...	JAMES M. FLOWER.
INDIANA, ...	HENRY B. SAYLER.
IOWA, ...	FRANCIS B. DANIELS.
KANSAS, ...	GEO. R. PECK.
KENTUCKY, ...	JAS. S. PIRTLE.
LOUISIANA, ...	THOS. J. SEMMES.
MAINE, ...	A. A. STROUT.
MARYLAND, ...	GEORGE M. SHARP.
MASSACHUSETTS, ...	M. F. DICKINSON, JR.
MICHIGAN, ...	WM. P. WELLS.
MINNESOTA, ...	REUBEN C. BENTON.
MISSISSIPPI, ...	JOHN M. ALLEN.
MISSOURI, ...	WM. G. HAMMOND.
MONTANA, ...	WILBUR F. SANDERS.
NEBRASKA, ...	JAMES M. WOOLWORTH.
NEW HAMPSHIRE, ...	JOSEPH W. FELLOWS.
NEW JERSEY, ...	R. WAYNE PARKER.
NEW MEXICO TERRITORY, ...	WM. C. HAZLEDINE.
NEW YORK, ...	CHAS. HENRY BUTLER.

NORTH CAROLINA, ...	THOS. B. KEOGH.
OHIO, ...	A. W. JONES.
OREGON, ...	M. P. DEADY.
PENNSYLVANIA, ...	RICHARD VAUX.
RHODE ISLAND, ...	NICHOLAS VAN SLYCK.
SOUTH CAROLINA, ...	CH. RICHARDSON MILES.
SOUTH DAKOTA, ...	J. W. WRIGHT.
TENNESSEE, ...	J. M. DICKINSON.
TEXAS, ...	T. N. WAUL.
VERMONT, ...	NORMAN PAUL.
VIRGINIA, ...	LEGH R. PAGE.
WEST VIRGINIA, ...	EDWARD B. KNIGHT.
WISCONSIN, ...	A. A. JACKSON.
WYOMING TERRITORY, ...	WILLIS VAN DEVANTER.

VICE-PRESIDENTS
AND
MEMBERS OF LOCAL COUNCILS,
ELECTED 1889.

ALABAMA.—Vice-President, D. S. TROY.

Local Council, GAYLORD B. CLARK, HENRY C.
TOMPKINS, ALEXANDER T. LONDON.

ARKANSAS.—Vice-President, AUGUSTUS H. GARLAND.

Local Council, U. M. ROSE, JAMES C. TAPPAN,
BEN. T. DU VAL, JOHN M. MOORE.

CALIFORNIA.—Vice-President, GEO. W. MONTEITH.

Local Council, CRITTENDEN THORNTON, STEPHEN
M. WHITE, GEO. FULLER, ROBERT T. DEVLIN.

CONNECTICUT.—Vice-President, JULIUS B. CURTIS.

Local Council, LYMAN D. BREWSTER, WASHINGTON
F. WILLCOX, LEWIS E. STANTON.

DELAWARE.—Vice-President, GEORGE GRAY.

Local Council, ANTHONY HIGGINS, GEORGE H.
BATES, WILLARD SAULSBURY, JR.

DISTRICT OF COLUMBIA.—Vice-President, HENRY WISE GARNETT.

Local Council, CHARLES C. LANCASTER, GEORGE
F. APPLEBY, CHARLES W. HOFFMAN, WM. B.
WEBB, JOHN B. LARNER, N. T. N. ROBINSON.

FLORIDA.—Vice-President, E. M. RANDALL.

Local Council, JOHN C. COOPER.

GEORGIA.—Vice-President, ALEXANDER R. LAWTON.

Local Council, FRANK H. MILLER, HENRY JACK-
SON, P. W. MELDRIM, W. T. NEWMAN.

ILLINOIS.—Vice-President, BENJ. F. AYER.

Local Council, JOHN N. JEWETT, FREDERIC
ULLMANN, JAMES H. RAYMOND, CHARLES
DUNHAM, ALFRED ORENDORFF.

INDIANA.—Vice-President, BENJAMIN HARRISON.

Local Council, THOMAS F. DAVIDSON, JOHN R.
WILSON, JOHN M. BUTLER, CHAS. W. FAIR-
BANKS.

IOWA.—Vice-President, OLIVER P. SHIRAS.

Local Council, JOHN F. DUNCOMBE, GEO. G.
WRIGHT, EMLIN McCLAIN, JOHN VAN VALK-
ENBURG, FINLEY BURKE.

KANSAS.—Vice-President, WILLIAM C. PERRY.

Local Council, CHAS. B. SMITH, CHARLES MON-
ROE, CHARLES S. GLEED, L. STILLWELL.

KENTUCKY.—Vice-President, BENJ. F. BUCKNER.

Local Council, EDW. F. TRABUE, W. A. SUDDUTH.

LOUISIANA.—Vice-President, EDWIN T. MERRICK.

Local Council, ALFRED GOLDTHWAITE, E. HOW-
ARD McCaleb, THOS. L. BAYNE, G. A.
BREAUX.

MAINE.—Vice-President, F. A. WILSON.

Local Council, CHARLES P. STETSON, NATHAN
CLEAVES, CHAS. F. LIBBY.

MARYLAND.—Vice-President, J. T. MASON, R.

Local Council, RICHARD M. VENABLE, JOHN H.
HANDY, CHARLES MARSHALL, CHARLES J.
BONAPARTE, GEORGE WHITELOCK, TRYON
H. EDWARDS, SKIPWITH WILMER.

MASSACHUSETTS.—Vice-President, WILLIAM GASTON.

Local Council, LAURISTON L. SCAIFE, ALFRED
HEMENWAY, CHARLES THEODORE RUS-
SELL, JR.

MICHIGAN.—Vice-President, THOMAS J. O'BRIEN.

Local Council, HENRY M. DUFFIELD, LEVI T.
GRIFFIN, HERBERT L. BAKER, GEORGE P.
WANTY, T. A. E. WEADOCK.

MINNESOTA.—Vice-President, HIRAM F. STEVENS.

Local Council, WILLIAM J. HAHN, WALTER H. SANBORN, W. C. WILLISTON.

MISSISSIPPI.—Vice-President, LOCK E. HOUSTON.

Local Council, CHARLES B. HOWRY, W. H. SIMS, JOSEPH E. LEIGH.

MISSOURI.—Vice-President, EDWARD C. KEHR.

Local Council, CHARLES CLAFLIN ALLEN, WALLACE PRATT, WM. B. DONALDSON, JAMES M. LEWIS, EDWARD H. STILES.

MONTANA.—Vice-President, DECIUS S. WADE.

Local Council, EDWIN W. TOOLE.

NEBRASKA.—Vice-President, JAMES M. WOOLWORTH.

Local Council, CHARLES F. MANDERSON, N. S. HARWOOD, CHARLES J. GREEN, EXPERIENCE ESTABROOK, GEORGE E. PRITCHETT.

NEW HAMPSHIRE.—Vice-President, JOHN L. SPRING.

Local Council, HENRY B. ATHERTON, CHARLES H. BURNS.

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Local Council, WASHINGTON B. WILLIAMS, J. G. SHIPMAN, J. FRANK FORT, SAMUEL H. GREY, ANTHONY Q. KEASBEY.

NEW MEXICO TERRITORY.—Vice-President, W. C. HAZLEDINE.

NEW YORK.—Vice-President, ROBERT D. BENEDICT.

Local Council, AUSTEN G. FOX, EDWARD F. BULLARD, JAMES M. DUDLEY, ORLANDO B. POTTER, CHARLES A. PEABODY, W. MORTON GRINNELL, EGBERT WHITTAKER.

NORTH CAROLINA.—Vice-President, THOMAS B. KEOGH.

OHIO.—Vice-President, E. P. GREEN.

Local Council, JOSEPH COX, JOEL W. TYLER, JOHN J. HALL, ALBERT B. TINKER, AARON A. FERRIS, WILLIAM J. TERRELL, JACOB F. BURKET.

PENNSYLVANIA.—Vice-President, GEORGE TUCKER BISPHAM.

Local Council, ROBERT E. MONAGHAN, GEORGE B. KULP, WALTER GEORGE SMITH, SAMUEL WAGNER, HENRY W. PALMER, A. SYDNEY BIDDLE.

RHODE ISLAND.—Vice-President, BENJAMIN F. THURSTON.

SOUTH CAROLINA.—Local Council, WILLIAM C. BENET, JOHN J. HEMPHILL, AUGUSTINE T. SMYTHE, CH. RICHARDSON MILES, JAMES L. ORR.

SOUTH DAKOTA.—Vice-President, J. W. WRIGHT.

TENNESSEE.—Vice-President, JOHN M. GAUT.

Local Council, MALACHI T. BRYAN, W. A. COLLIER, S. A. CHAMPION, ROBERT F. JACKSON, LEMUEL R. CAMPBELL.

TEXAS.—Vice-President, T. N. WAUL.

Local Council, E. B. PERKINS, J. H. McLEARY.

VERMONT.—Vice-President, ELIHU B. TAFT.

Local Council, S. C. SHURTLIFF, WILLIAM E. JOHNSON.

VIRGINIA.—Vice-President, S. FERGUSON BEACH.

Local Council, WILLIAM J. ROBERTSON, J. RANDOLPH TUCKER, ALEXANDER HAMILTON, EPPA HUNTON, ALFRED P. THOM, JAMES LYONS.

WEST VIRGINIA.—Vice-President, JOHN J. DAVIS.

Local Council, EDWARD B. KNIGHT, WILLIAM L. COLE, CALEB BOGGESE.

WISCONSIN.—Vice-President, ALFRED L. CARY.

Local Council, JAMES G. JENKINS, THOMAS R. HUDD, BRADLEY G. SCHLEY, J. C. GREGORY.

STANDING COMMITTEES.

JURISPRUDENCE AND LAW REFORM.

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GEORGE TUCKER BISPHAM, Philadelphia, Pennsylvania.
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JOHN M. BUTLER, Indianapolis, Indiana.
HENRY B. BROWN, Detroit, Michigan.

JUDICIAL ADMINISTRATION AND REMEDIAL PROCEDURE.

WALTER B. HILL, Macon, Georgia.
ROBERT D. BENEDICT, New York, New York.
JOHN W. CARY, Milwaukee, Wisconsin.
JAMES S. PIRTLE, Louisville, Kentucky.
J. M. DICKINSON, Nashville, Tennessee.

LEGAL EDUCATION AND ADMISSION TO THE BAR.

WILLIAM G. HAMMOND, St. Louis, Missouri.
JOHNSON T. PLATT, New Haven, Connecticut.
GEORGE M. SHARP, Baltimore, Maryland.
HENRY WADE ROGERS, Ann Arbor, Michigan.
M. DWIGHT COLLIER, New York, New York.

COMMERCIAL LAW.

GEORGE A. MERCER, Savannah, Georgia.
SAMUEL WAGNER, Philadelphia, Pennsylvania.
CHARLES C. BONNEY, Chicago, Illinois.
A. Q. KEASBEY, Newark, New Jersey.
CHARLES W. CLIFFORD, New Bedford, Massachusetts.

INTERNATIONAL LAW.

GEORGE H. BATES, Wilmington, Delaware.
J. M. WOOLWORTH, Omaha, Nebraska.
R. M. VENABLE, Baltimore, Maryland.
GEORGE W. McCRARY, Kansas City, Missouri.
EVERETT P. WHEELER, New York, New York.

PUBLICATIONS.

HENRY C. SEMPLE, Montgomery, Alabama.
EDWIN P. GREEN, Akron, Ohio.
GEORGE G. WRIGHT, Des Moines, Iowa.
RICHARD VAUX, Philadelphia, Pennsylvania.
GEORGE M. SHARP, Baltimore, Maryland.

GRIEVANCES.

S. FERGUSON BEACH, Alexandria, Virginia.
HENRY B. ATHERTON, Nashua, New Hampshire.
CREED HAYMOND, San Francisco, California.
JAMES L. ORR, Greenville, South Carolina.
JOHN F. DUNCOMBE, Fort Dodge, Iowa.

OBITUARIES.

EDWARD OTIS HINKLEY, Baltimore, Maryland.
CHARLES BORCHERLING, Newark, New Jersey.
CHARLES CLAFLIN ALLEN, St. Louis, Missouri.

SPECIAL COMMITTEES.

RELIEF OF THE SUPREME COURT.

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HENRY HITCHCOCK, St. Louis, Missouri.
FRANCIS RAWLE, Philadelphia, Pennsylvania.
J. RANDOLPH TUCKER, Lexington, Virginia.
GEORGE H. BATES, Wilmington, Delaware.
EDWARD OTIS HINKLEY, Baltimore, Maryland.
WILLIAM ALLEN BUTLER, New York, New York.
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WALTER B. HILL, Macon, Georgia.

FORM OF BILL OF LADING.

MORTON P. HENRY, Philadelphia, Pennsylvania.
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ROBERT LUDLOW FOWLER, New York, New York.
C. C. BONNEY, Chicago, Illinois.
JOSEPH W. FELLOWS, Manchester, New Hampshire.

SALARIES OF FEDERAL JUDGES.

JOHN F. DILLON, New York, New York.
SKIPWITH WILMER, Baltimore, Maryland.
JAY L. TORREY, St. Louis, Missouri.

CLASSIFICATION OF THE LAW.

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JAMES O. BROADHEAD, St. Louis, Missouri.
RICHARD VAUX, Philadelphia, Pennsylvania.
GEORGE M. SHARP, Baltimore, Maryland.

AWARD OF MEDAL.

SIMEON E. BALDWIN, New Haven, Connecticut.
THOMAS L. BAYNE, New Orleans, Louisiana.
FRANCIS LACKNER, Chicago, Illinois.
BENJAMIN F. THURSTON, Providence, Rhode Island.
WALTER GEORGE SMITH, Philadelphia, Pennsylvania.
R. S. TAYLOR, Fort Wayne, Indiana.
A. HEMENWAY, Boston, Massachusetts.

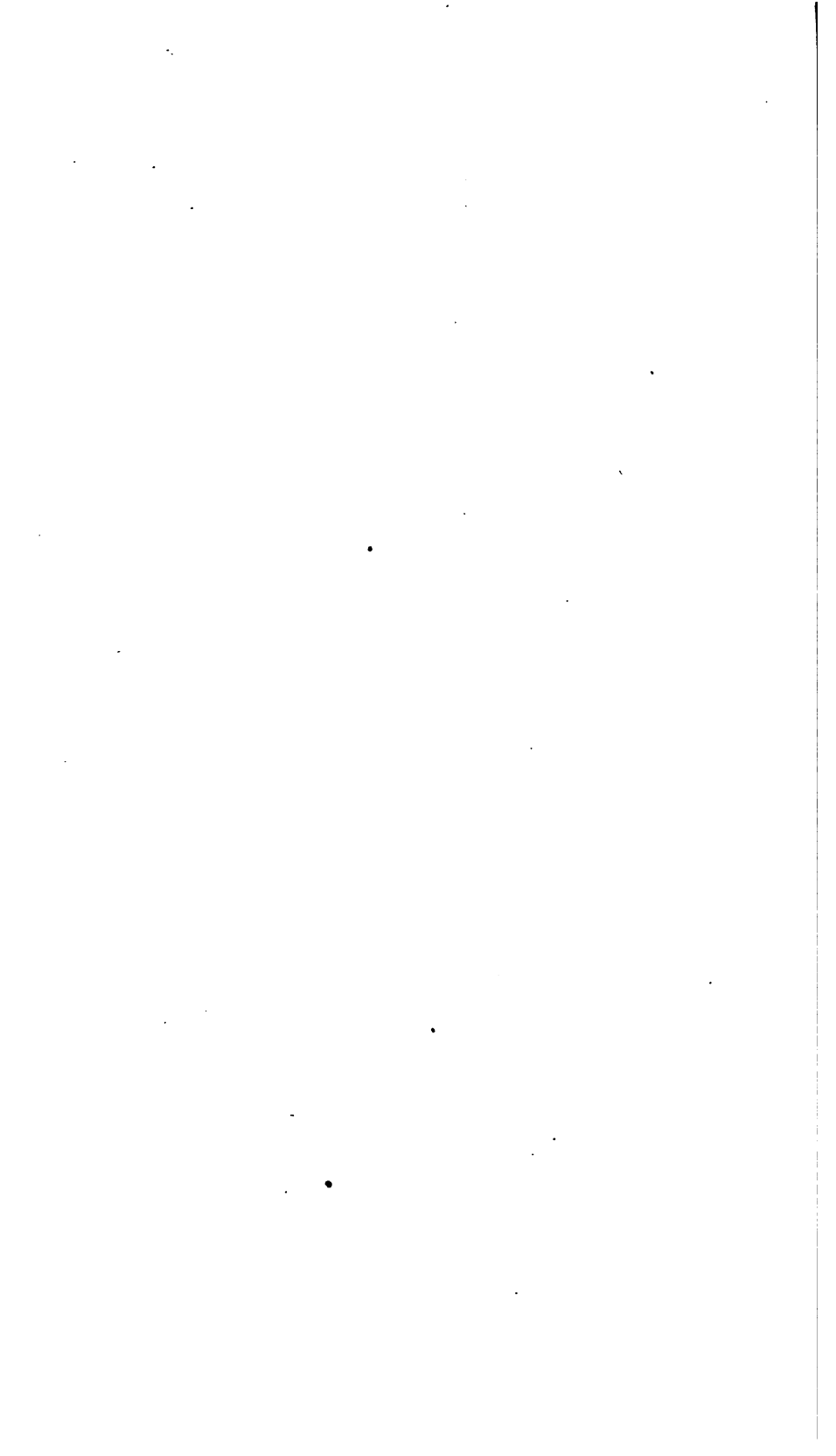
UNIFORM STATE LAWS RELATING TO WILLS, ACKNOWLEDGMENTS,
DIVORCE, &c.

T. J. SEMMES, *Chairman*, New Orleans, Louisiana.
WALTER L. BRAGG, Montgomery, Alabama.
M. M. COHN, Little Rock, Arkansas.
M. M. ESTES, San Francisco, California.
GEORGE J. BOAL, Denver, Colorado.
LYMAN D. BREWSTER, Danbury, Connecticut.
IGNATIUS C. GRUBB, Wilmington, Delaware.
HENRY WISE GARNETT, Washington, District of Columbia.
R. W. WILLIAMS, Tallahassee, Florida.
P. W. MELDRIM, Savannah, Georgia.
JULIUS ROSENTHAL, Chicago, Illinois.
W. P. FISHBACK, Indianapolis, Indiana.
EMLIN McCLAIN, Iowa City, Iowa.
GEORGE R. PECK, Topeka, Kansas.
GEORGE M. DAVIE, Louisville, Kentucky.
A. A. STROUT, Portland, Maine.
SKIPWITH WILMER, Baltimore, Maryland.
LEONARD A. JONES, Boston, Massachusetts.
T. J. O'BRIEN, Grand Rapids, Michigan.
GEORGE B. YOUNG, St. Paul, Minnesota.
R. A. HILL, Oxford, Mississippi.
GARDINER LATHROP, Kansas City, Missouri.
WILBUR F. SANDERS, Helena, Montana.
JAMES M. WOOLWORTH, Omaha, Nebraska.
JAMES F. COLBY, Hanover, New Hampshire.

R. WAYNE PARKER, Newark, New Jersey.
W. C. HAZLEDINE, Albuquerque, New Mexico.
N. C. MOAK, Albany, New York.
JOHN B. BRIDGERS, JR., Tarboro, North Carolina.
RUFUS KING, Cincinnati, Ohio.
M. P. DEADY, Portland, Oregon.
C. STUART PATTERSON, Philadelphia, Pennsylvania.
JAMES TILLINGHAST, Providence, Rhode Island.
HENRY E. YOUNG, Charleston, South Carolina.
J. W. WRIGHT, Clark, South Dakota.
B. M. ESTES, Memphis, Tennessee.
J. H. McLEARY, San Antonio, Texas.
NORMAN PAUL, Woodstock, Vermont.
J. RANDOLPH TUCKER, Lexington, Virginia.
JOHN A. HUTCHINSON, Parkersburg, West Virginia.
BRADLEY G. SCHLEY, Milwaukee, Wisconsin.
FREDERIC S. HEBARD, Cheyenne, Wyoming.

THE SUPREME COURT CENTENNIAL CELEBRATION.

DAVID DUDLEY FIELD, New York, New York.
LYMAN TRUMBULL, Chicago, Illinois.
THOMAS J. SEMMES, New Orleans, Louisiana.
WILLIAM C. ENDICOTT, Boston, Massachusetts.
EDWARD J. PHELPS, Burlington, Vermont.
J. RANDOLPH TUCKER, Lexington, Virginia.
HENRY HITCHCOCK, St. Louis, Missouri.
CORTLANDT PARKER, Newark, New Jersey.
FRANCIS RAWLE, Philadelphia, Pennsylvania.
HENRY WISE GARNETT, Washington, District of Columbia.
CHARLES HENRY BUTLER, New York, New York.



ALPHABETICAL LIST OF MEMBERS.

1889—1890.

ABBOTT, AUSTIN, ...	New York, N. Y.
ADAMS, E. B., ...	St. Louis, Mo.
ADAMS, SAMUEL B., ...	Savannah, Ga.
AKIN, JOHN W., ...	Cartersville, Ga.
ALDRICH, CHARLES H., ...	Chicago, Ill.
ALEXANDER, JULIAN J., ...	Baltimore, Md.
ALLEN, CHARLES CLAFLIN, ...	St. Louis, Mo.
ALLEN, JOHN M., ...	Tupelo, Miss.
ALLEN, ROBERT, JR., ...	Red Bank, N. J.
ALLEN, ROBERT P., ...	Williamsport, Pa.
ALLEN, STILLMAN B., ...	Boston, Mass.
ALLISON, ANDREW, ...	Nashville, Tenn.
ALTGELD, JOHN P., ...	Chicago, Ill.
APPLEBY, GEORGE F., ...	Washington, D. C.
ARNOLD, MICHAEL, ...	Philadelphia Pa.
ASHTON, J. HUBLEY, ...	Washington, D. C.
ATHERTON, HENRY B., ...	Nashua, N. H.
ATHERTON, THOMAS H., ...	Wilkesbarre, Pa.
AUSTIN, R. A., ...	Milwaukee, Wis.
AVERY, FRANK C., ...	Ovid, N. Y.
AYER, B. F., ...	Chicago, Ill.
BACOT, T. W., ...	Charleston, S. C.
BAER, GEORGE F., ...	Reading, Pa.
BAKER, ASHLEY D. L., ...	Gloversville, N. Y.
BAKER, DARIUS, ...	Newport, R. I.
BAKER, HERBERT L., ...	Detroit, Mich.
BALDWIN, AUGUSTUS C., ...	Pontiac, Mich.
BALDWIN, CHARLES C., ...	Cleveland, O.
BALDWIN, G. W., ...	Boston, Mass.
BALDWIN, JENSE A., ...	Chicago, Ill.

BALDWIN, ROBERT R., ...	Clinton, Iowa.
BALDWIN, SIMEON E., ...	New Haven, Conn.
BALDWIN, WILLIAM D., ...	Washington, D. C.
BALL, DANIEL H., ...	Marquette, Mich.
BARCLAY, SHEPARD, ...	St. Louis, Mo.
BARBER, CHARLES, ...	Oshkosh, Wis.
BARGE, WILLIAM, ...	Dixon, Ill.
BARKER, JOSEPH N., ...	Chicago, Ill.
BARNARD, JOB, ...	Washington, D. C.
BARNES, W. H. L., ...	San Francisco, Cal.
BARROW, POPE, ...	Athens, Ga.
BARTLETT, CHARLES L., ...	Macon, Ga.
BARTON, JESSE B., ...	Chicago, Ill.
BASHFORD, R. M., ...	Madison, Wis.
BATES, GEORGE H., ...	Wilmington, Del.
BAUSMAN, J. W. B., ...	Lancaster, Pa.
BAYARD, THOMAS F., ...	Wilmington, Del.
BAYNE, THOMAS L., ...	New Orleans, La.
BEACH, CHARLES F., JR., ...	New York, N. Y.
BEACH, MYRON H., ...	Chicago, Ill.
BEACH, S. FERGUSON, ...	Alexandria, Va.
BEDFORD, GEORGE R., ...	Wilkesbarre, Pa.
BEDLE, JOSEPH D., ...	Jersey City, N. J.
BELL, C. U., ...	Lawrence, Mass.
BENEDICT, ROBERT D., ...	New York, N. Y.
BENEDICT, W. S., ...	New Orleans, La.
BENET, WILLIAM C., ...	Abbeville, S. C.
BENNETT, JOHN R., ...	Janesville, Wis.
BENTON, DANIEL L., ...	Hornellsville, N. Y.
BENTON, REUBEN C., ...	Minneapolis, Minn.
BERRY, WALTER V. B., ...	Washington, D. C.
BIDDLE, A. SYDNEY, ...	Philadelphia, Pa.
BIDDLE, GEORGE W., ...	Philadelphia, Pa.
BINGHAM, HARRY, ...	Littleton, N. H.
BIRD, GEORGE E., ...	Portland, Me.
BIRD, GEORGE W., ...	Madison, Wis.
BISCHOFF, HENRY, JR., ...	New York, N. Y.
BISPHAM, GEORGE TUCKER, ...	Philadelphia, Pa.
BLACK, J. C. C., ...	Augusta, Ga.
BLAIR, JOHN S., ...	Washington, D. C.
BLANKMAN, JOHN S., ...	Washington, D. C.
BLEEKMAN, A. E., ...	La Crosse, Wis.
BLISS, E. R., ...	Chicago, Ill.
BOAL, GEORGE J., ...	Denver, Col.
BOGGER, CALEB, ...	Clarksburg, W. Va.

BOGGS, HERBERT,	Newark, N. J.
BONAPARTE, CHARLES J.,	Baltimore, Md.
BOND, LESTER L.,	Chicago, Ill.
BOND, S. R.,	Washington, D. C.
BONNEY, C. C.,	Chicago, Ill.
BORCHERLING, CHARLES,	Newark, N. J.
BOWLER, ROBERT B.,	Cincinnati, O.
BOYCE, JOHN J.,	Santa Barbara, Cal.
BOYD, ROBERT W.,	Darlington, S. C.
BRADFORD, EDWARD G.,	Wilmington, Del.
BRADLEY, CHARLES,	Providence, R. I.
BRADWELL, JAMES B.,	Chicago, Ill.
BRAGG, EDWARD S.,	Fond du Lac, Wis.
BRAGG, WALTER L.,	Montgomery, Ala.
BRALEY, HENRY K.,	Fall River, Mass.
BRAWLEY, FRANCIS W. S.,	Chicago, Ill.
BRAWLEY, WILLIAM H.,	Charleston, S. C.
BREAUX, G. A.,	New Orleans, La.
BRECKINRIDGE, SAMUEL M.,	St. Louis, Mo.
BRECKINRIDGE, WM. C. P.,	Lexington, Ky.
BREDIN, JAMES,	Pittsburgh, Pa.
BREWSTER, LYMAN D.,	Danbury, Conn.
BRICE, ALBERT G.,	New Orleans, La.
BRIDGERS, JOHN L., JR.,	Tarboro, N. C.
BRISTOW, BENJAMIN H.,	New York, N. Y.
BROADHEAD, JAMES O.,	St. Louis, Mo.
BROOKS, FRANCIS A.,	Boston, Mass.
BROWN, GEORGE W.,	Darlington, S. C.
BROWN, HENRY B.,	Detroit, Mich.
BROWN, SEBASTIAN,	Baltimore, Md.
BROWNING, FRANK T.,	Washington, D. C.
BRUNO, RICHARD M.,	New York, N. Y.
BRUSH, CHARLES H.,	New York, N. Y.
BRYAN, MALACHI T.,	Nashville, Tenn.
BRYAN, THOMAS B.,	Chicago, Ill.
BUCHANAN, JAMES,	Trenton, N. J.
BUCKET, JACOB F.,	Findlay, O.
BUCKNER, B. F.,	Louisville, Ky.
BUDD, HENRY,	Philadelphia, Pa.
BULLARD, E. F.,	Saratoga Springs, N. Y.
BULLOCK, A. G.,	Worcester, Mass.
BURKE, FINLEY,	Council Bluffs, Iowa.
BURKE, STEVENSON,	Cleveland, O.
BURNETT, HENRY L.,	New York, N. Y.
BURNHAM, HENRY E.,	Manchester, N. H.

BURNHAM, HUGH L., ...	Chicago Ill.
BURNS, CHARLES H., ...	Wilton, N. H.
BURTON, ROBERT A., ...	Washington, D. C.
BUSHNELL, ALLEN R., ...	Lancaster, Wis.
BUTLER, CHARLES, ...	New York, N. Y.
BUTLER, CHARLES HENRY, ...	New York, N. Y.
BUTLER, JOHN M., ...	Indianapolis, Ind.
BUTLER, NOBLE C., ...	Indianapolis, Ind.
BUTLER, WM. ALLEN, ...	New York, N. Y.
BUTLER, WM. ALLEN, JR., ...	New York, N. Y.
BUTTRICK, E. L., ...	Charleston, W. Va.
BUTZ, OTTO C., ...	Chicago, Ill.
CALLAHAN, ETHELBERT, ...	Robinson, Ill.
CAMPBELL, LEMUEL R., ...	Nashville, Tenn.
CALHOUN, PATRICK, ...	Atlanta, Ga.
CAMP, E. C., ...	Knoxville, Tenn.
CARUSI, EUGENE, ...	Washington, D. C.
CARROLL, WILLIAM H., ...	Memphis, Tenn.
CARTER, JAMES C., ...	New York, N. Y.
CARUTH, GEORGE WM., ...	Little Rock, Ark.
CARY, ALFRED L., ...	Milwaukee, Wis.
CARY, JOHN W., ...	Milwaukee, Wis.
CASS, GEORGE W., ...	Chicago, Ill.
CATE, ALBION, ...	Chicago, Ill.
CATON, JOHN DEAN	Chicago, Ill.
CHAMBERLAIN, D. H., ...	New York, N. Y.
CHAMPION, SAMUEL A., ...	Nashville, Tenn.
CHANDLER, ALFRED D., ...	Boston, Mass.
CHARLTON, WALTER G., ...	Savannah, Ga.
CHASE, FREDERICK, ...	Hanover, N. H.
CHISHOLM, WALTER S., ...	Savannah, Ga.
CHURCH, PEARSON, ...	Meadville, Pa.
CLARK, GAYLORD B., ...	Mobile, Ala.
CLARK, THOMAS ALLEN, ...	Albany, N. Y.
CLARKE, MARSHALL J., ...	Atlanta, Ga.
CLEAVES, NATHAN, ...	Portland, Me.
CLEMENTSON, GEORGE, ...	Lancaster, Wis.
CLIFFORD CHARLES W., ...	New Bedford, Mass.
CLINTON, HENRY L., ...	New York, N. Y.
COHN, M. M., ...	Little Rock, Ark.
COLBY, FRANCIS T., ...	Chicago, Ill.
COLBY, JAMES F., ...	Hanover, N. H.
COLE, C. C., ...	Washington, D. C.
COLE, GORDON E., ...	St. Paul, Minn.
COLE, W. L., ...	Parkersburg, W. Va.

COLLIER, M. DWIGHT, ...	New York, N. Y.
COLLIER, W. A., ...	Memphis, Tenn.
COLLINS, PATRICK A., ...	Boston, Mass.
COLSTON, EDWARD, ...	Cincinnati, O.
COMEGYS, JOSEPH P., ...	Dover, Del.
CONARROE, GEORGE M., ...	Philadelphia, Pa.
CONELY, EDWIN F., ...	Detroit, Mich.
CONELY, JOHN D., ...	Detroit, Mich.
COOK, BURTON C., ...	Chicago, Ill.
COOK, WILLIAM W., ...	New York, N. Y.
COOLEY, THOMAS M., ...	Ann Arbor, Mich.
COON, JOHN, ...	Cleveland, O.
COOPER, EDMUND, ...	Shelbyville, Tenn.
COOPER, JOHN C., ...	Jacksonville, Fla.
COOPER, JOHN S., ...	Chicago, Ill.
COOPER, WILLIAM F., ...	Nashville, Tenn.
COTZHAUSEN, F. W., ...	Milwaukee, Wis.
COWEN, JOHN K., ...	Baltimore, Md.
COWIN, J. C., ...	Omaha, Neb.
COX, JOSEPH, ...	Cincinnati, O.
CRAPO, WILLIAM W., ...	New Bedford, Mass.
CRAWFORD, ANDREW, ...	Chicago, Ill.
CRAWFORD, MONROE C., ...	Murphysboro, Ill.
CRITTENDEN, C. C., ...	Kansas City, Mo.
CROCKER, JAMES F., ...	Portsmouth, Va.
CROSS, DAVID, ...	Manchester, N. H.
CROSS, E. J. D., ...	Baltimore, Md.
CROWELL, CHARLES E., ...	New York, N. Y.
CULLEN, WILLIAM E., ...	Helena, Mon.
CUMING, JAMES R., ...	New York, N. Y.
CUMMING, JOSEPH B., ...	Augusta, Ga.
CUMMINS, A. B., ...	Des Moines, Ia.
CUNNINGHAM, HENRY C., ...	Savannah, Ga.
CURLEY, THOMAS, ...	Boston, Mass.
CURTIS, JULIUS B., ...	Stamford, Conn.
DA COSTA, CHARLES M., ...	New York, N. Y.
DANA, SAMUEL W., ...	New Castle, Pa.
DANIELS, FRANCIS B., ...	Dubuque, Ia.
DARGAN, E. KEITH, ...	Darlington C. H., S. C.
DARLING, EDWARD P., ...	Wilkesbarre, Pa.
DARLING, J. VAUGHAN, ...	Wilkesbarre, Pa.
DART, HENRY P., ...	New Orleans, La.
DAVIDSON, THOMAS F., ...	Crawfordville, Ind.
DAVIE, GEORGE M., ...	Louisville, Ky.
DAVIS, H. E., ...	Washington, D. C.

DAVIS, JOHN, ...	Lowell, Mass.
DAVIS, JOHN J., ...	Clarksburg, W. Va.
DAVISON, CHARLES A., ...	New York, N. Y.
DAVISON, CHARLES M., ...	Saratoga Springs, N. Y.
DEADY, M. P., ...	Portland, Oregon.
DEERY, JOHN, ...	Dubuque, Iowa.
DENT, THOMAS, ...	Chicago, Ill.
DENÉGRE, GEORGE, ...	New Orleans, La.
DEBB, ANDREW F., ...	Wilkesbarre, Pa.
DESTY, ROBERT, ...	Rochester, N. Y.
DEVLIN, ROBERT T., ...	Sacramento, Cal.
DICKINSON, DON M., ...	Detroit, Mich.
DICKINSON, J. M., ...	Nashville, Tenn.
DICKINSON, M. F., JR., ...	Boston, Mass.
DICKINSON, S. MEREDITH, ...	Trenton, N. J.
DICKSON, HERBERT E., ...	New York, N. Y.
DICKSON, J. H., ...	Wellington, O.
DICKSON, JOHN M., ...	St. Louis, Mo.
DILLAWAY, W. E. R., ...	Boston, Mass.
DILLON, HIRAM P., ...	Topeka, Kan.
DILLON, JOHN F., ...	New York, N. Y.
DINEEN, JOHN H., ...	Richmond, Va.
DOBSON, CHAS. L., ...	Kansas City, Mo.
DONALDSON, JOHN J., ...	Baltimore, Md.
DONALDSON, WM. R., ...	St. Louis, Mo.
DOOLITTLE, JAMES R., ...	Chicago, Ill.
DORRANCE, J. FORD, ...	Meadville, Pa.
DOS PASSOS, JOHN R., ...	New York, N. Y.
DOUGHERTY, J. HAMPDEN, ...	New York, N. Y.
DOYLE, JOHN H., ...	Toledo, Ohio.
DRIGGS, GEORGE, ...	Chicago, Ill.
DU BIGNON, FLEMMING G., ...	Savannah, Ga.
DUDLEY, JAMES M., ...	Johnstown, N. Y.
DUFFIELD, HENRY M., ...	Detroit, Mich.
DUNCOMBE, JOHN F., ...	Fort Dodge, Iowa.
DUNHAM, CHAS., ...	Geneseo, Ill.
DU VAL, BEN. T., ...	Fort Smith, Ark.
EARLE, WM. E., ...	Washington, D. C.
EASTMAN, SIDNEY C., ...	Chicago, Ill.
EATON, SHEERBURN B., ...	New York, N. Y.
EDSALL, JAMES K., ...	Chicago, Ill.
EDWARDS, TRYON H., ...	Hagerstown, Md.
ELLIOT, CHAS. A., ...	Washington, D. C.
ENDICOTT, WM. C., ...	Salem, Mass.
ENGLISH, WILLIAM J., ...	Chicago, Ill.

ENNIS, ALFRED, ...	Chicago, Ill.
ENSIGN, JOSIAH D., ...	Duluth, Minn.
ERWIN, R. G., ...	Savannah, Ga.
ESTABROOK, C. E., ...	Madison, Wis.
ESTABROOK, EXPERIENCE, ...	Omaha, Neb.
ESTEE, M. M., ...	San Francisco, Cal.
ESTES, BEDFORD M., ...	Memphis, Tenn.
ESTES, CLAUD, ...	Macon, Ga.
EVARTS, WM. M., ...	New York, N. Y.
EVERETT, JOHN C., ...	Chicago, Ill.
EVERETT, WILLIAM S., ...	Chicago, Ill.
EWING, WILLIAM G., ...	Chicago, Ill.
FAIRBANKS, CHAS. W., ...	Indianapolis, Ind.
FAIRCHILD, H. O., ...	Marietta, Wis.
FANCHER, THADEUS S., ...	Crown Point, Ind.
FALLIGANT, ROBERT, ...	Savannah, Ga.
FARRAR, EDGAR H., ...	New Orleans, La.
FAY, J. EDWARDS, ...	Chicago, Ill.
FELKER, CHARLES W., ...	Oshkosh, Wis.
FELLOWS, JOSEPH W., ...	Manchester, N. H.
FENTRESS, JAMES, ...	Bolivar, Tenn.
FERGUSON, E. A., ...	Cincinnati, O.
FERRIS, AARON A., ...	Cincinnati, O.
FIELD, DAVID DUDLEY, ...	New York, N. Y.
FISH, FREDERICK P., ...	Boston, Mass.
FISH, JOHN T., ...	Milwaukee, Wis.
FISHBACK, W. P., ...	Indianapolis, Ind.
FISHER, WILLIAM A., ...	Baltimore, Md.
FISHER, WILLIAM RIGHTER, ...	Philadelphia, Pa.
FITCH, EDWARD H., ...	Jefferson, Mo.
FLANDERS, JAMES G., ...	Milwaukee, Wis.
FLEMMING, JAMES, ...	Jersey City, N. J.
FLETCHER, NIRAM A., ...	Grand Rapids, Mich.
FLOWER, JAMES M., ...	Chicago, Ill.
FOLKES, W. C., ...	Memphis, Tenn.
FOLLETT, MARTIN D., ...	Marietta, O.
FORMAN, BENJAMIN RICE, ...	New Orleans, La.
FORT, J. FRANK, ...	Newark, N. J.
FOWLER, ROBERT LUDLOW, ...	New York, N. Y.
FOX, AUSTEN G., ...	New York, N. Y.
FRENCH, WILLIAM B., ...	Boston, Mass.
FULLER, GEORGE, ...	San Diego, Cal.
FULLER, HORACE W., ...	Boston, Mass.
GAINES, JOHN W., JR., ...	Nashville, Tenn.
GAPEN, CLARK, ...	Chicago, Ill.

GARLAND, AUGUSTUS H.,	Little Rock, Ark.
GARNETT, HENRY WISE,	Washington, D. C.
GARNETT, THEODORE S.,	Norfolk, Va.
GARRARD, WILLIAM,	Savannah, Ga.
GARRETSON, A. Q.,	Jersey City, N. J.
GARTSIDE, JOHN M.,	Chicago, Ill.
GARY, ELBERT H.,	Chicago, Ill.
GASTON, WILLIAM,	Boston, Mass.
GAUT, JOHN, M.,	Nashville, Tenn.
GIBBONS, JOHN,	Chicago, Ill.
GIBSON, JAMES A.,	San Bernardino, Cal.
GIBSON, RANDALL LEE,	New Orleans, La.
GILBERT, LYMAN D.,	Harrisburg, Pa.
GILLAND, JOHN D.,	Vicksburg, Miss.
GILLAND, THOMAS M.,	Kingstree, S. C.
GILLIAM, MARSHALL M.,	Richmond, Va.
GILMORE, THOMAS,	New Orleans, La.
GILSON, N. S.,	Fond du Lac, Wis.
GIVAN, NOAH M.,	Harrisonville, Mo.
GLEED, CHARLES S.,	Topeka, Kansas.
GLENN, JOHN T.,	Atlanta, Ga.
GLOVER, JOHN M.,	Washington, D. C.
GOBLE, L. SPENCER,	Newark, N. J.
GOEBEL, WILLIAM,	Covington, Ky.
GOLDTHWAITE, ALFRED,	New Orleans, La.
GOODHART, MORRIS,	New York, N. Y.
GOODWIN, C. RIDGELY,	Baltimore, Md.
GOODWIN, DANIEL,	Chicago, Ill.
GOODWIN, FRANK,	Boston, Mass.
GOODWIN, JAMES P.,	San Diego, Cal.
GORDON, WILLIAM A.,	Washington, D. C.
GOULDER, HARVEY V.	Cleveland, O.
GRANT, ALEXANDER, JR.,	Newark, N. J.
GRAVES, CHARLES A.,	Lexington, Va.
GRAY, GEORGE,	Wilmington, Del.
GREEN, CHARLES J.,	Omaha, Neb.
GREEN, EDWIN P.,	Akron, O.
GREGORY, CHARLES N.,	Madison, Wis.
GREGORY, J. C.,	Madison, Wis.
GREGORY, STEPHEN S.,	Chicago, Ill.
GRENNE, GEORGE G.,	Green Bay, Wis.
GREY, SAMUEL H.,	Camden, N. J.
GRINNELL, W. MORTON,	New York, N. Y.
GRIFFIN, LEVI T.,	Detroit, Mich.
GRUBB, IGNATIUS C.,	Wilmington, Del.

GUERNSEY, NATHANIEL F., ...	Des Moines, Iowa.
GUILBERT, ALBERT B., ...	Rochester, N. Y.
GUNCKEL, LEWIS B., ...	Dayton, O.
GUNN, GEORGE M., ...	Milford, Conn.
GURLEY, J. WARD, JR., ...	New Orleans, La.
GUTHRIE, GEORGE W., ...	Pittsburgh, Pa.
GWINN, CHARLES J. M., ...	Baltimore, Md.
HAGERMAN, FRANK, ...	Kansas City, Mo.
HAGERMAN, JAMES, ...	Kansas City, Mo.
HAGNER, RANDALL, ...	Washington, D. C.
HAHN, WILLIAM J., ...	Minneapolis, Minn.
HALL, FRANK A., ...	Montgomery, Ala.
HALL, GEORGE W., ...	Chicago, Ill.
HALL, HARRY H., ...	New Orleans, La.
HALL, JOHN J., ...	Akron, O.
HALSEY, JEREMIAH, ...	Norwich, Conn.
HAMERSLEY, WILLIAM, ...	Hartford, Conn.
HAMILTON, ALEXANDER, ...	Petersburg, Va.
HAMILTON, GEORGE EARNEST, ...	Washington, D. C.
HAMLIN, JOHN H., ...	Chicago, Ill.
HAMMER, D. HARRY, ...	Chicago, Ill.
HAMMOND, N. J., ...	Atlanta, Ga.
HAMMOND, WILLIAM G., ...	St. Louis, Mo.
HANDLEY, JOHN, ...	Scranton, Pa.
HANDY, JOHN H., ...	Baltimore, Md.
HARDING, GEORGE F., ...	Chicago, Ill.
HARKNESS, EDSON J., ...	Chicago, Ill.
HARRINGTON, AUSTIN, ...	Wilmington, Del.
HARRISON, BENJAMIN, ...	Indianapolis, Ind.
HARRISON, RICHARD A., ...	Columbus, O.
HARWOOD, N. S., ...	Lincoln, Neb.
HASKELL, JOHN C., ...	Columbia, S. C.
HASKELL, THOMAS H., ...	Portland, Me.
HAUSE, J. FRANK E., ...	West Chester, Pa.
HAWKESWORTH, R. W., ...	New York, N. Y.
HAYMOND, CREED, ...	San Francisco, Cal.
HAZLEDINE, WILLIAM C., ...	Albuquerque, N. M.
HEAD, JAMES M., ...	Nashville, Tenn.
HEBARD, FREDERIC S., ...	Cheyenne, Wyo.
HEMENWAY, ALFRED, ...	Boston, Mass.
HEMPHILL, JOHN J., ...	Chester, S. C.
HEMPHILL, JOSEPH, ...	West Chester, Pa.
HENDERSON, HENRY P., ...	Mason, Mich.
HENDERSON, J. B., ...	St. Louis, Mo.
HENDRICK, W. J., ...	Flemingsburg, Ky.

HENRY, MORTON P.,	Philadelphia, Pa.
HERMAN, HENRY M.,	New York, N. Y.
HIGGINBOTHAM, C. C.,	Buckhannon, W. Va.
HIGGINS, ANTHONY,	Wilmington, Del.
HIGGINS, VAN HOLLIS,	Chicago, Ill.
HILL, R. A.,	Oxford, Miss.
HILL, WALTER B.,	Macon, Ga.
HINCKLEY, ROBERT H.,	Philadelphia, Pa.
HINE, LEMON G.,	Washington, D. C.
HINKLEY, EDWARD OTIS,	Baltimore, Md.
HITCHCOCK, HENRY,	St. Louis, Mo.
HODLY, GEORGE,	New York, N. Y.
HOFFECCKER, JAMES H., JR.,	Wilmington, Del.
HOFFMAN, CHARLES W.,	Washington, D. C.
HOGUE, JOHN BLAIR,	Washington, D. C.
HOLDOM, JESSE,	Chicago, Ill.
HOLMES, GEORGE F.,	Portland, Me.
HOLSTEIN, CHARLES L.,	Chicago, Ill.
HOLT, ALFRED E.,	Rockford, Ill.
HOLT, CHARLES S.,	Chicago, Ill.
HOLT, GEORGE C.,	New York, N. Y.
HORNBLOWER, WILLIAM B.,	New York, N. Y.
HORNER, JOHN J.,	Helena, Ark.
HORTON, OLIVER H.,	Chicago, Ill.
HORTON, S. DANA,	Pomeroy, O.
HOSMER, GEORGE S.,	Detroit, Mich.
HOUGH, WARWICK,	St. Louis, Mo.
HOUSTON, LOCK E.,	Aberdeen, Miss.
HOUSTON, WILLIAM T.,	New York, N. Y.
HOWARD, SAMUEL,	Milwaukee, Wis.
HOWE, W. W.,	New Orleans, La.
HOWRY, CHARLES B.,	Oxford, Miss.
HOYNE, PHILIP A.,	Chicago, Ill.
HOYT, FRANK M.,	Milwaukee, Wis.
HUBBARD, THOMAS H.,	New York, N. Y.
HUDD, THOMAS R.,	Green Bay, Wis.
HUEY, JOHN S.,	Chicago, Ill.
HUEY, SAMUEL B.,	Philadelphia, Pa.
HUGHES, ROBERT M.,	Norfolk, Va.
HUGHES, THOMAS,	Baltimore, Md.
HUNT, CARLETON,	New Orleans, La.
HUNT, GEORGE,	Springfield, Ill.
HUNT, SAMUEL F.,	Cincinnati, O.
HUNTON, EPPA,	Warrenton, Va.
HURD, FRANCIS W.,	Boston, Mass.

HURD, HARVEY B.,	Chicago, Ill.
HURLEY, M. A.,	Wausau, Wis.
HUTCHINS, JESSE F.,	Wabash, Ind.
HUTCHINS, WALDO,	New York, N. Y.
HUTCHINSON, JOHN A.,	Parkersburg, W. Va.
HYDE, ALVIN P.,	Hartford, Conn.
HYZER, EDWARD M.,	Janesville, Wis.
IGLEHART, JOHN E.,	Evansville, Ind.
INGERSOLL, FREDERICK G.,	St. Paul, Minn.
ISAACS, M. S.,	New York, N. Y.
JACKSON, A. A.,	Janesville, Wis.
JACKSON, HENRY,	Atlanta, Ga.
JACKSON, ROBERT F.,	Nashville, Tenn.
JAMIESON, EGBERT,	Chicago, Ill.
JEFFRIES, MALCOLM G.,	Janesville, Wis.
JENKINS, JAMES G.,	Milwaukee, Wis.
JENKINS, ROBERT E.,	Chicago, Ill.
JEWETT, HUGH J.,	New York, N. Y.
JEWETT, JOHN N.,	Chicago, Ill.
JOHNSON, EDGAR M.,	New York, N. Y.
JOHNSON, WILLIAM E.,	Woodstock, Vt.
JOHNSTON, JOSEPH R.,	Youngstown, O.
JOHNSTONE, GEORGE,	Newbury, S. C.
JONES, ASAH W.,	Youngstown, O.
JONES, BURR W.,	Madison, Wis.
JONES, CHARLES C., JR.,	Augusta, Ga.
JONES, ISAAC D.,	Baltimore, Md.
JONES, LEONARD A.,	Boston, Mass.
JUDSON, FREDERICK N.,	St. Louis, Mo.
KAERCHER, GEORGE R.,	Philadelphia, Pa.
KARNES, J. V. C.,	Kansas City, Mo.
KAUFFMAN, A. J.,	Columbia, Pa.
KAUFFMAN, B. F.,	Des Moines, Ia.
KEASBEY, ANTHONY Q.,	Newark, N. J.
KEATOR, JOHN F.,	Philadelphia, Pa.
KEHR, EDWARD C.,	St. Louis, Mo.
KELLOGG, STEPHEN W.,	Waterbury, Conn.
KELLY, HENRY B.,	New Orleans, La.
KENT, CHARLES A.,	Detroit, Mich.
KEOGH, THOMAS B.,	Greensboro, N. C.
KERNAN, FRANCIS,	Utica, N. Y.
KERN, ROBERT H.,	St. Louis, Mo.
KING, GEORGE A.,	Washington, D. C.
KING, RUFUS,	Cincinnati, O.

KITTREDGE, EDMUND W.,	Cincinnati, O.
KNIGHT, EDWARD B.,	Charleston, W. Va.
KNOTT, A. LEO,	Baltimore, Md.
KOERNER, GUSTAVE,	Belleville, Ill.
KRETZINGER, GEORGE W.,	Chicago, Ill.
KRUTTSCHNITT, ERNEST B.,	New Orleans, La.
KULP, GEORGE B.,	Wilkesbarre, Pa.
LACKNER, FRANCIS,	Chicago, Ill.
LADD, NATH. W.,	Boston, Mass.
LADD, WILLIAM S.,	Lancaster, N. H.
LAMBERT, T. A.,	Washington, D. C.
LAMBERTON, C. L.,	New York, N. Y.
LANCASTER, CHARLES C.,	Washington, D. C.
LARNER, JOHN B.,	Washington, D. C.
LATHROP, GARDINER,	Kansas City, Mo.
LATROBE, JOHN H. B.,	Baltimore, Md.
LAWRENCE, ISAAC,	Newport, R. I.
LAWTON, ALEXANDER R.,	Savannah, Ga.
LAWTON, ALEXANDER R., JR.,	Savannah, Ga.
LEAMING, JEREMIAH,	Chicago, Ill.
LEAR, HENRY,	Doylestown, Pa.
LEAVITT, JOHN BROOKS,	New York, N. Y.
LEE, BLAIR,	Washington, D. C.
LEE, CHARLES H.,	Racine, Wis.
LEEDS, CHARLES C.,	New York, N. Y.
LEGENDRE, JAMES,	New Orleans, La.
LEIGH, JOSEPH E.,	Columbus, Miss.
LEWIS, CHARLTON T.,	New York, N. Y.
LEWIS, H. M.,	Madison, Wis.
LEWIS, JAMES M.,	St. Louis, Mo.
LIBBY, CHARLES F.,	Portland, Me.
LISTER, CHARLES C.,	Philadelphia, Pa.
LITTLE, WILLIAM E.,	Tunkhannock, Pa.
LIVINGSTON, J. B.,	Lancaster, Pa.
LONDON, ALEXANDER T.,	Birmingham, Ala.
LORD, SAMUEL,	Charleston, S. C.
LORD, SCOTT,	New York, N. Y.
LORE, CHARLES B.,	Wilmington, Del.
LOVELY, JOHN A.,	Albert Lea, Minn.
LYMAN, DAVID B.,	Chicago, Ill.
LYON, R. F.,	Macon, Ga.
LYONS, JAMES,	Richmond, Va.
MACFARLAND, W. W.,	New York, N. Y.
MACKALL, WALLIAM W., JR.,	Savannah, Ga.
MACKOY, WILLIAM H.,	Cincinnati, O.

MADILL, GEORGE A., ...	St. Louis, Mo.
MANDERSON, CHARLES F., ...	Omaha, Neb.
MANNING, WILLIAM J., ...	Chicago, Ill.
MALLORY, JAMES A., ...	Milwaukee, Wis.
MALONE, BOOTH M., ...	Beloit, Wis.
MARSHALL, CHARLES, ...	Baltimore, Md.
MARSHALL, JOSHUA N., ...	Lowell, Mass.
MARSTON, GILMAN, ...	Exeter, N. H.
MARTIN, ALEXANDER, ...	St. Louis, Mo.
MARTIN, J. WILLIS, ...	Philadelphia, Pa.
MASON, EDWARD G., ...	Chicago, Ill.
MASON, JOHN T. (JOHN T. MASON, R.)	Baltimore, Md.
MATHEWS, ALBERT, ...	New York, N. Y.
MAXWELL, J. AUDLEY, ...	Boston, Mass.
MAXWELL, LAWRENCE, JR., ...	Cincinnati, O.
MEDDAUGH, ELIJAH W., ...	Detroit, Mich.
MELDRIM, P. W., ...	Savannah, Ga.
MELOY, WILLIAM A., ...	Washington, D. C.
MERCER, GEORGE A., ...	Savannah, Ga.
MERCER, GEORGE G., ...	Philadelphia, Pa.
MERCUR, JAMES WATTS, ...	Philadelphia, Pa.
MERCUR, RODNEY A., ...	Towanda, Pa.
MERRICK, EDWIN T., ...	New Orleans, La.
MERRICK, EDWIN T., JR., ...	New Orleans, La.
MERRITT, A. G., ...	Nashville, Tenn.
MILBURN, JOHN G., ...	Buffalo, N. Y.
MILES, CH. RICHARDSON, ...	Charleston, S. C.
MILLER, B. K., ...	Milwaukee, Wis.
MILLER, B. K., JR., ...	Milwaukee, Wis.
MILLER, E. SPENCER, ...	Philadelphia, Pa.
MILLER, FRANK H., ...	Augusta, Ga.
MILLER, H. C., ...	New Orleans, La.
MILLER, H. H. C., ...	Chicago, Ill.
MILLER, JOHN S., ...	Chicago, Ill.
MILLER, N. DUBOIS, ...	Philadelphia, Pa.
MILLER, WILLIAM J., ...	Washington, D. C.
MILLER, WM. K., ...	Augusta, Ga.
MITCHELL, JAS. T., ...	Philadelphia, Pa.
MOAK, N. C., ...	Albany, N. Y.
MONAGHAN, ROBERT E., ...	West Chester, Pa.
MONAGHAN, R. JONES, ...	West Chester, Pa.
MONROE, CHARLES, ...	Topeka, Kan.
MONROE, WILLIAM A., ...	Boston, Mass.
MONTETH, GEORGE W., ...	San Diego, Cal.
MOORE, GEORGE WILLIAM, ...	Detroit, Mich.

MOORE, JOHN B., ...	Washington, D. C.
MOORE, JOHN M., ...	Little Rock, Ark.
MOOT, ADELBERT, ...	Buffalo, N. Y.
MORAN, THOMAS A., ...	Chicago, Ill.
MORCHAUSE, A. V., ...	Salinas, Cal.
MORDECAI, T. MOULTRIE, ...	Charleston, S. C.
MORGAN, H. GIBBES, ...	New Orleans, La.
MORGAN, RANDAL, ...	Philadelphia, Pa.
MORRIS, M. F., ...	Washington, D. C.
MORRIS, NATHAN, ...	Indianapolis, Ind.
MORRIS, ROBERT L., ...	Nashville, Tenn.
MORSE, A. PORTER, ...	Washington, D. C.
MOSES, ADOLPH, ...	Chicago, Ill.
MUNNIKHUYSEN, HOWARD, ...	Baltimore, Md.
MUNSON, C. LA RUE, ...	Williamsport, Pa.
MURPHY, D. F., ...	Washington, D. C.
MYERS, JAMES J., ...	Boston, Mass.
MYERS, NATHANIEL, ...	New York, N. Y.
MYNATT, PRIOR L., ...	Atlanta, Ga.
MCBRIDE, J. R., ...	Neilsville, Wis.
MCCALEB, E. HOWARD, ...	New Orleans, La.
MCCAMMON, JOSEPH K., ...	Washington, D. C.
MCCARTER, THOMAS N., ...	Newark, N. J.
MCCARTHY, HENRY J., ...	Philadelphia, Pa.
MCCLAINE, EMLEN, ...	Iowa City, Iowa.
MCCCLINTOCK, ANDREW H., ...	Wilkesbarre, Pa.
MCCCLINTOCK, ANDREW T., ...	Wilkesbarre, Pa.
MCCONNELL, SAMUEL P., ...	Chicago, Ill.
MCCOOK, JOHN J., ...	New York, N. Y.
MCCORRY, H. W., ...	Jackson, Tenn.
MCCRADY, EDWARD, JR., ...	Charleston, S. C.
MCCRARY, A. J., ...	Keokuk, Iowa.
MCCRARY, GEORGE W., ...	Kansas City, Mo.
MCCULLOUGH, JOHN G., ...	N. Bennington, Vt.
MCDONALD, J. WADE, ...	San Diego, Cal.
MCDUGAL, HENRY C., ...	Kansas City, Mo.
McFARLAND, L. B., ...	Memphis, Tenn.
MCGUIRE, FRANK H., ...	Richmond, Va.
MCKENNEY, WILLIAM A., ...	Washington, D. C.
MCKENNEY, WILLIAM R., ...	Petersburg, Va.
MCKNIGHT, DAVID A., ...	Washington, D. C.
MCKNIGHT, R. B., ...	East Saginaw, Mich.
MCLEARY, J. H., ...	San Antonio, Tex.
McMURDY, ROBERT H., ...	Chicago, Ill.

MCNEAL, ALBERT T.,	Bolivar, Tenn.
MASH, STEPHEN P.,	New York, N. Y.
MEBEKER, LUCAS,	Wellington, Kan.
MEDHAM, CHARLES W.,	Chicago, Ill.
MELSON, HOMER A.,	Poughkeepsie, N. Y.
METTLER, CLEMENT S.,	Darlington, S. C.
MEWMAN, EMILE,	Savannah, Ga.
MEWMAN, W. T.,	Atlanta, Ga.
NICHOLSON, JOHN R.,	Dover, Del.
NICHOLS, GEORGE L., JR.,	New York, N. Y.
NICOLL, DELANCEY,	New York, N. Y.
NOBLE, JOHN W.,	St. Louis, Mo.
NORTH, E. D.,	Lancaster, Pa.
NORTH, HUGH M.,	Columbia, Pa.
O'BRIEN, THOMAS J.,	Grand Rapids, Mich.
OLMSTEAD, DWIGHT H.,	New York, N. Y.
ORENDORF, ALFRED,	Springfield, Ill.
ORR, JAMES L.,	Greenville, S. C.
ORTON, PHILO A.,	Darlington, Wis.
OSBORNE, EDWIN S.,	Wilkesbarre, Pa.
OTIS, EPHRAIM A.,	Chicago, Ill.
OTIS, GEORGE E.,	San Bernardino, Cal.
OVITT, ALBERT B.,	St. Paul, Minn.
OWENS, GEORGE W.,	Savannah, Ga.
OZMAN, EDWARD H.,	St. Paul, Minn.
PACKER, JOHN B.,	Sunbury, Pa.
PAGE, LEGH R.,	Richmond, Va.
PAGE, THOMAS NELSON,	Richmond, Va.
PALMER, HENRY W.,	Wilkesbarre, Pa.
PALMER, H. L.,	Milwaukee, Wis.
PALMER, JOHN M.,	Springfield, Ill.
PARKER, AMASA J.,	Albany, N. Y.
PARKER, CORTLANDT,	Newark, N. J.
PARKER, R. WAYNE,	Newark, N. J.
PARKER, WILLIAM H.,	Abbeville, S. C.
PARMENTER, ROSWELL A.,	Troy, N. Y.
PARRISH, JOSEPH,	Philadelphia, Pa.
PARRSONS, HENRY C.,	Williamsport, Pa.
PATTERSON, C. STUART,	Philadelphia, Pa.
PATTERSON, T. ELLIOTT,	Philadelphia, Pa.
PAUL, NORMAN,	Woodstock, Vt.
PAYNE, JAMES G.,	Washington, D. C.
PAYNE, JOHN BARTON,	Chicago, Ill.
PEABODY, CHARLES A.,	New York, N. Y.
PECK, GEORGE R.,	Topeka, Kan.

PENCE, ABRAM M., ...	Chicago, Ill.
PENDLETON, EDWARD W., ...	Detroit, Mich.
PENNYPACKER, CHARLES H., ...	West Chester, Pa.
PENNYPACKER, SAMUEL W., ...	Philadelphia, Pa.
PERKINS, E. B., ...	Greenville, Tex.
PERKINS, SAMUEL C., ...	Philadelphia, Pa.
PERRY, WILLIAM C., ...	Topeka, Kan.
PETTIT, SILAS W., ...	Philadelphia, Pa.
PHELPS, EDWARD J., ...	Burlington, Vt.
PHELPS, WILLIAM WALTER, ...	New York, N. Y.
PHILBIN, EUGENE AMBROSE, ...	New York, N. Y.
PIERCE, JAMES O., ...	Minneapolis, Minn.
PINNEY, SILAS U., ...	Madison, Wis.
PIRTLE, JAMES S., ...	Louisville, Ky.
PLATT, JOHNSON T., ...	New Haven, Conn.
POCHÉ, F. P., ...	New Orleans, La.
POCHÉ, JEROME E., ...	St. James, La.
POLLASEY, MARCUS, ...	Chicago, Ill.
PORTER, WILLARD HALL, ...	Wilmington, Del.
PORTER, WILLIAM W., ...	Philadelphia, Pa.
PORTIS, THOMAS J., ...	St. Louis, Mo.
POSTON, FRANK P., ...	Memphis, Tenn.
POTTER, FREDERICK, ...	New York, N. Y.
POTTER, ORLANDO B., ...	New York, N. Y.
POWERS, MILLARD R., ...	Evanston, Ill.
PRATT, CHARLES, ...	Toledo, O.
PRATT, WALLACE, ...	Kansas City, Mo.
PRICE, ELI KIRK, ...	Philadelphia, Pa.
PRICE, J. SERGEANT, ...	Philadelphia, Pa.
PRICHARD, FRANK P., ...	Philadelphia, Pa.
PRIME, RALPH E., ...	Yonkers, N. Y.
PRITCHETT, GEORGE E., ...	Omaha, Neb.
PRUSSING, EUGENE E., ...	Chicago, Ill.
PRYOR, ROGER A., ...	New York, N. Y.
PUTNAM, HENRY W., ...	Boston, Mass.
RAMSEY, WILLIAM M., ...	Cincinnati, O.
RANDALL, E. M., ...	Jacksonville, Fla.
RANDOLPH, JOSEPH F., ...	Jersey City, N. J.
RANNEY, HENRY C., ...	Cleveland, O.
RANNEY, RUFUS P., ...	Cleveland, O.
RAWLE, FRANCIS, ...	Philadelphia, Pa.
RAYMOND, JAMES H., ...	Chicago, Ill.
RAYNOLDS, EDWARD V., ...	New Haven, Conn.
REDDING, JOSEPH D., ...	San Francisco, Cal.
REED, HENRY, ...	Philadelphia, Pa.

KEED, MYRON, ...	West Superior, Wis.
KEESE, WILLIAM M., ...	Washington, Ga
KEEVE, FELIX A., ...	Washington, D-C.
KEEMAK, STEPHEN S., ...	Philadelphia, Pa.
KEY, CURTIS H., ...	Chicago, Ill.
KEYNOLDS, SAMUEL H., ...	Lancaster, Pa.
KICHARDSON, DANIEL S., ...	Lowell, Mass.
KICHARDSON, GEORGE F., ...	Lowell, Mass.
KICHARDSON, WILLIAM H., ...	Chicago, Ill.
KIGGS, JAMES M., ...	Winchester, Ill.
KINAKER, JOHN I., ...	Carlinville, Ill.
KING, M. C., ...	Neilsville, Wis.
KOBERTS, DANIEL, ...	Burlington, Vt.
KOBERTSON, WILLIAM J., ...	Charlottesville, Va.
KOBINSON, LEIGH, ...	Washington, D. C.
KOBINSON, N. T. N., ...	Washington, D. C.
KOELKER, WILLIAM G., ...	Providence, R. I.
KOGERS, HENRY WADE, ...	Ann Arbor, Mich.
KOGERS, ROBERT LYON, ...	Baltimore, Md.
KOGERS, SHERMAN S., ...	Buffalo, N. Y.
KONEY, HENRY C., ...	Augusta, Ga.
KOSE, U. M., ...	Little Rock, Ark.
KOSE, D. S., ...	Milwaukee, Wis.
KOSENTHAL, JULIUS, ...	Chicago, Ill.
KOST, EMILE, ...	New Orleans, La.
KUNNELLS, JOHN S., ...	Chicago, Ill.
KUSSELL, ALFRED, ...	Detroit, Mich.
KUSSELL, CHARLES T., JR, ...	Cambridge, Mass.
KUSSELL, EDWARD L., ...	Mobile, Ala.
KUSSELL, TALCOTT H., ...	New Haven, Conn.
KUSSELL, WILLIAM G., ...	Boston, Mass.
KUSSELL, W. H. H., ...	San Diego, Cal.
KALE, JOHN W., ...	Janesville, Wis.
KANBORN, A. L., ...	Madison, Wis.
KANBORN, JOHN B., ...	St. Paul, Minn.
KANBORN, WALTER H., ...	St. Paul, Minn.
KANDERS, JAMES U., ...	Helena, Mon.
KANDERS, WILBUR F., ...	Helena, Mon.
KANFORD, EDWARD, ...	Morris, Ill.
KANLSBURY, WILLARD, JR, ...	Wilmington, Del.
KAYLER, HENRY B., ...	Huntingdon, Ind.
KAIFFE, LAURISTON L., ...	Boston, Mass.
KAMMON, J. YOUNG, ...	Chicago, Ill.
KCHLEY, BRADLEY G., ...	Milwaukee, Wis.
KHOONMAKER, AUGUSTUS, ...	Kingston, N. Y.

SCOTT, C. SUYDAM, ...	Lexington, Ky.
SCOTT, JOHN M., ...	Bloomington, Ill.
SEAMAN, WILLIAM H., ...	Sheboygan, Wis.
SEARLE, GEORGE W., ...	Boston, Mass.
SEARS, PHILIP H., ...	Boston, Mass.
SEIBERT, W. N., ...	New Bloomfield, Pa.
SELDEN, JOHN, ...	Washington, D. C.
SELLERS, ELIAS H., ...	Detroit, Mich.
SEMMES, THOMAS J., ...	New Orleans, La.
SEMPLE, HENRY C., ...	Montgomery, Ala.
SEMPLE, MACKENZIE, ...	New York, N. Y.
SEWELL, ROBERT, ...	New York, N. Y.
SHACK, FERDINAND, ...	New York, N. Y.
SHAPLEY, RUFUS E., ...	Philadelphia, Pa.
SHARP, GEORGE M., ...	Baltimore, Md.
SHATTUCK, GEORGE O., ...	Boston, Mass.
SHAW, JOHN M., ...	Minneapolis, Minn.
SHAW, R. K., ...	Marietta, O.
SHEPARD, CHARLES E., ...	Milwaukee, Wis.
SHEPARD, ELLIOTT F., ...	New York, N. Y.
SHEPARD, HENRY M., ...	Chicago, Ill.
SHERMAN, E. B., ...	Chicago, Ill.
SHIPMAN, J. G., ...	Belvidere, N. J.
SHIRAS, GEORGE, JR., ...	Pittsburgh, Pa.
SHIRAS, OLIVER P., ...	Dubuque, Ia.
SHOEMAKER, L. D., ...	Wilkesbarre, Pa.
SHURTLIFF, S. C., ...	Montpelier, Vt.
SILVERTHORN, W. C., ...	Wausau, Wis.
SIMMONS, THOMAS J., ...	Macon, Ga.
SIMS, W. H., ...	Columbus, Miss.
SMITH, CHARLES B., ...	Topeka, Kan.
SMITH, EDWIN BURRITT, ...	Chicago, Ill.
SMITH, E. P., ...	Milwaukee, Wis.
SMITH, FRANK J., ...	Chicago, Ill.
SMITH, FREDERICK E., ...	Tioga, Pa.
SMITH, HARSON D., ...	Cassapolis, Mich.
SMITH, HOKE, ...	Atlanta, Ga.
SMITH, LUTHER R., ...	Mount Sterling, Ala.
SMITH, NELSON, ...	New York, N. Y.
SMITH, WALTER GEORGE, ...	Philadelphia, Pa.
SMYTHE, AUGUSTINE T., ...	Charleston, S. C.
SOMMERVILLE, J. B., ...	Wheeling, W. Va.
SOUTHALL, S. V., ...	Charlottesville, Va.
SOUTHARD, CHARLES B., ...	Boston, Mass.
SPAULDING, JOHN, ...	Boston, Mass.

SPEIR, GILBERT M., JR.,	New York, N. Y.
SPENCER, SELDEN P.,	St. Louis Mo.
SPOONER, JOHN C.,	Hudson, Wis.
SPRAGUE, E. C.,	Buffalo, N. Y.
SPRING, JOHN L.,	Lebanon, N. H.
SPRINGER, J. D.,	Minneapolis, Minn.
STANTON, LEWIS E.,	Hartford, Conn.
STERNE, SIMON,	New York, N. Y.
STETSON, CHARLES P.,	Bangor, Me.
STEVENS, BREESE J.,	Madison, Wis.
STEVENS, HIRAM F.,	St. Paul, Minn.
STEVENSON, JOB E.,	Cincinnati, O.
STEWART, W. F. BAY,	York, Pa.
STICKNEY, ALBERT,	New York, N. Y.
STILES, EDWARD H.,	Kansas City, Mo.
STILLMAN, THOMAS E.,	New York, N. Y.
STILLWELL, L.,	Frie, Kan.
STOCKBRIDGE, HENRY,	Baltimore, Md.
STOCKETT, J. SHAAFF,	Annapolis, Md.
STOREY, MOORFIELD,	Boston, Mass.
STORROW, JAMES J.,	Boston, Mass.
STRAWN, CHRISTOPHER C.,	Chicago, Ill.
STROUT, A. A.,	Portland, Me.
SUDDUTH, W. A.,	Louisville, Ky.
SULZBERGER, MAYER,	Philadelphia, Pa.
SWAIN, CHARLES M.,	Philadelphia, Pa.
TAFT, ELIHU B.,	Burlington, Vt.
TAGART, HUGH T.,	Washington, D. C.
TAPPAN, JAMES C.,	Helena, Ark.
TAUSSIG, JAMES,	St. Louis, Mo.
TAYLOR, JOHN D.,	New York, N. Y.
TAYLOR, JOHN W.,	Newark, N. J.
TAYLOR, R. S.,	Fort Wayne, Ind.
TENNEY, DANIEL K.,	Chicago, Ill.
TEESE, FREDERICK H.,	Newark, N. J.
TERRILL, H. L.,	New York, N. Y.
TERRILL, WILLIAM J.,	Youngstown, O.
TEWKESBURY, WILLIAM J.,	Chicago, Ill.
THOM, ALFRED P.,	Norfolk, Va.
THOMAN, LEROY D.,	Chicago, Ill.
THOMAS, GEORGE DUDLEY,	Athens, Ga.
THOMPSON, JOHN H.,	Chicago, Ill.
THOMPSON, SEYMOUR D.,	St. Louis, Mo.
THORNTON, CRITTENDEN,	San Francisco, Cal.
THURBER, HENRY T.,	Detroit, Mich.

THURSTON, BENJAMIN F., ...	Providence, R. I.
THWEATT, P. O., ...	Helena, Ark.
TIGHE, AMBROSE, ...	St. Paul, Minn.
TILLINGHAST, JAMES, ...	Providence, R. I.
TINKER, ALBERT B., ...	Akron, O.
TODD, A. J., ...	New York, N. Y.
TODD, M. HAMPTON, ...	Philadelphia, Pa.
TOMPKINS, HAMILTON B., ...	New York, N. Y.
TOMPKINS, HENRY B., ...	Atlanta, Ga.
TOMPKINS, HENRY C., ...	Montgomery, Ala.
TOOLE, EDWIN W., ...	Helena, Mon.
TORREY, JAY L., ...	St. Louis, Mo.
TOWNSEND, WILLIAM K., ...	New Haven, Conn.
TRABUE, E. F., ...	Louisville, Ky.
TREAT, R. B., ...	Los Angeles, Cal.
TROY, D. S., ...	Montgomery, Ala.
TRUMBULL, LYMAN, ...	Chicago, Ill.
TUCKER, J. RANDOLPH, ...	Lexington, Va.
TUPPER, A. P., ...	Middlebury, Vt.
TURNER, HERBERT B., ...	New York, N. Y.
TUTHILL, RICHARD S., ...	Chicago, Ill.
TYLER, JOEL W., ...	Cleveland, O.
ULLMAN, FREDERIC, ...	Chicago, Ill.
VALENTINE, JOHN K., ...	Philadelphia, Pa.
VAN DEVANTER, WILLIS, ...	Cheyenne, Wy.
VAN SLYCK, GEORGE W., ...	New York, N. Y.
VAN SLYCK, NICHOLAS, ...	Providence, R. I.
VAN VALKENBURG, JOHN, ...	Fort Madison, Ia.
VAN WINKLE, W. W., ...	Parkersburg, W. Va.
VAUX, RICHARD, ...	Philadelphia, Pa.
VENABLE, RICHARD M., ...	Baltimore, Md.
VERTREES, J. J., ...	Nashville, Tenn.
VOCKE, WILLIAM, ...	Chicago, Ill.
VORIS, EDWIN F., ...	Akron, O.
VREDENBURGH, JAMES B., ...	Jersey City, N. J.
VROMAN, CHARLES E., ...	Green Bay, Wis.
VROOM, GARRETT D. W., ...	Trenton, N. J.
WADDELL, WILLIAM B., ...	West Chester, Pa.
WADE, DECIUS S., ...	Helena, Mon.
WAGNER, C. G., ...	Siluria, Ala.
WAGNER, SAMUEL, ...	Philadelphia, Pa.
WALKER, ROBERT J. C., ...	Williamsport, Pa.
WALKER, WILLIAM J., JR., ...	Birmingham, Ala.
WANTY, GEORGE P., ...	Grand Rapids, Mich.
WARD, HENRY GALBRAITH, ...	New York, N. Y.

WARD, JOHN E., ...	New York, N. Y.
WARREN, IRA D., ...	New York, N. Y.
WASHBURN, HEMPSTEAD, ...	Chicago, Ill.
WATKINS, EDWARD, ...	Chattanooga, Tenn.
WATSON, D. T., ...	Pittsburgh, Pa.
WATTS, LEGH R., ...	Portsmouth, Va.
WATTS, THOMAS H., JR., ...	Montgomery, Ala.
WAUL, T. N., ...	Galveston, Tex.
WEADOCK, GEORGE W., ...	East Saginaw, Mich.
WEADOCK, THOMAS A. E., ...	Bay City, Mich.
WEART, JACOB, ...	Jersey City, N. J.
WEBB, NATHAN, ...	Portland, Me.
WEBB, WILLIAM B., ...	Washington, D. C.
WEBSTER, JOHN L., ...	Omaha, Neb.
WEBSTER, W. H., ...	Oconto, Wis.
WEEKS, WILLIAM R., ...	Newark, N. J.
WEGG, DAVID S., ...	Milwaukee, Wis.
WELLS, H. H., ...	Washington, D. C.
WELLS, WILLIAM P., ...	Detroit, Mich.
WENZELL, H. B., ...	St. Paul, Minn.
WHEELER, EVERETT P., ...	New York, N. Y.
WHEELER, SETH S., ...	Lima, O.
WHEELER, WILLIAM, ...	New York, N. Y.
WHEELER, XENOPHON, ...	Chattanooga, Tenn.
WHITE, GEORGE, ...	Boston, Mass.
WHITE, STEPHEN M., ...	Los Angeles, Cal.
WHITELOCK, GEORGE, ...	Baltimore, Md.
WHITTAKER, EGBERT, ...	Saugerties, N. Y.
WIGMAN, J. H. M., ...	Green Bay, Wis.
WILCOX, ANSLEY, ...	Buffalo, N. Y.
WILDS, HOWARD PAYSON, ...	New York, N. Y.
WILE, DAVID J., ...	Chicago, Ill.
WILLARD, EDWARD N., ...	Scranton, Pa.
WILLARD, GARDNER G., ...	Chicago, Ill.
WILLARD, GEORGE, ...	Chicago, Ill.
WILLCOX, W. F., ...	Deep River, Conn.
WILLETT, CONSIDER H., ...	Chicago, Ill.
WILLIAMS, EDWARD CALVIN, ...	Baltimore, Md.
WILLIAMS, R. W., ...	Tallahassee, Fla.
WILLIAMS, S. W., ...	Little Rock, Ark.
WILLIAMS, WASHINGTON B., ...	Jersey City, N. J.
WILLIAMSON, SAMUEL E., ...	Cleveland, O.
WILLISTON, W. C., ...	Redwing, Minn.
WILLITS, GEORGE S., ...	Chicago, Ill.
WILLSON, A. E., ...	Louisville, Ky.

WILMER, SKIPWITH, ...	Baltimore, Md.
WILMER, W. N., ...	New York, N. Y.
WILSON, EUGENE M, ...	Minneapolis, Minn.
WILSON, F. A., ...	Bangor, Me.
WILSON, JOHN R., ...	Indianapolis, Ind.
WILSON, NATHANIEL, ...	Washington, D. C.
WILSON, THOMAS, ...	Winona, Minn.
WILSON, WILLIAM C., ...	Lafayette, Ind.
WILSON, WILLIAM R., ...	Elizabeth, N. J.
WILTBank, WILLIAM W., ...	Philadelphia, Pa.
WINANS, JOHN, ...	Janesville, Wis.
WINDLE, WILLIAM S., ...	West Chester, Pa.
WING, JOSEPH A., ...	Montpelier, Vt.
WINKLER, FREDERICK C., ...	Milwaukee, Wis.
WINTERNITZ, BENJAMIN A., ...	New Castle, Pa.
WINTHROP, WILLIAM, ...	West Point, N. Y.
WISE, JOHN S., ...	New York, N. Y.
WITHROW, JAMES E., ...	St. Louis, Mo.
WOLVERTON, SIMON P., ...	Sunbury, Pa.
WOODARD, CHARLES F., ...	Bangor, Me.
WOODMAN, EDWARD, ...	Portland, Me.
WOODRUFF, GEORGE M., ...	Litchfield, Conn.
WOODRUFF, ROBERT S., ...	Trenton, N. J.
WOODS, CHARLES A., ...	Marion, S. C.
WOOLWORTH, J. M., ...	Omaha, Neb.
WORKS, JOHN D., ...	San Francisco, Cal.
WRIGHT, BOYKIN, ...	Augusta, Ga.
WRIGHT, GEORGE G., ...	Des Moines, Ia.
WRIGHT, J. W., ...	Clark, S. D.
WRIGHT, THOMAS S., ...	Des Moines, Ia.
YOUNG, GEORGE B., ...	St. Paul, Minn.
YOUNG, GEORGE R., ...	Dayton, O.
YOUNG, HENRY E., ...	Charleston, S. C.
ZUCKER, PETER, ...	Cleveland, O.

MEMBERS—AUGUST, 1889-1890.

ALABAMA.

BRAGG, WALTER L., ...	Montgomery.
CLARK, GAYLORD B., ...	Mobile.
HALL, FRANK A., ...	Montgomery.
LONDON, ALEXANDER T., ...	Birmingham.
RUSSELL, EDWARD L., ...	Mobile.
SEMPLE, HENRY C., ...	Montgomery.
SMITH, LUTHER R., ...	Mount Sterling.
TOMPKINS, HENRY C., ...	Montgomery.
TROY, D. S., ...	Montgomery.
WAGNER, C. G., ...	Siluria.
WALKER, WILLIAM J., JR., ...	Birmingham.
WATTS, THOMAS H., JR., ...	Montgomery.

KANSAS.

CARUTH, GEORGE WM., ...	Little Rock.
COHN, M. M., ...	Little Rock.
DU VAL, BEN. T., ...	Fort Smith.
GARLAND, AUGUSTUS H., ...	Little Rock.
HORNER, JOHN J., ...	Helena.
MOORE, JOHN M., ...	Little Rock.
ROSE, U. M., ...	Little Rock.
TAPPAN, JAMES C., ...	Helena.
THWEATT, P. O., ...	Helena.
WILLIAMS, S. W., ...	Little Rock.

CALIFORNIA.

BARNES, W. H. L., ...	San Francisco.
BOYCE, JOHN J., ...	Santa Barbara.
DEVLIN, ROBERT T., ...	Sacramento.
ESTES, M. M., ...	San Francisco.
FULLER, GEORGE, ...	San Diego.
GIBSON, JAMES A., ...	San Bernardino.
GOODWIN, JAMES P., ...	San Diego.
HAYMOND, CREED, ...	San Francisco.

CALIFORNIA.—Continued.

MCDONALD, J. WADE, ...	San Diego.
MONTETH, GEORGE W., ...	San Diego.
MORCHAUSE, A. V., ...	Salinas.
OTIS, GEORGE E., ...	San Bernardino.
REDDING, JOSEPH D., ...	San Francisco.
RUSSELL, W. H. H., ...	San Diego.
THORNTON, CRITTENDEN, ...	San Francisco.
TREAT, R. B., ...	Los Angeles.
WHITE, STEPHEN M., ...	Los Angeles.
WORKS, JOHN D., ...	San Francisco.

COLORADO.

BOAL, GEORGE J., ...	Denver.
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CONNECTICUT.

BALDWIN, SIMEON E., ...	New Haven.
BREWSTER, LYMAN D., ...	Danbury.
CURTIS, JULIUS B., ...	Stamford.
GUNN, GEORGE M., ...	Milford.
HAISEY, JEREMIAH, ...	Norwich.
HAMERSLEY, WILLIAM, ...	Hartford.
HYDE, ALVIN P., ...	Hartford.
KELLOGG, STEPHEN W., ...	Waterbury.
PLATT, JOHNSON T., ...	New Haven.
RAYNOLDS, EDWARD V., ...	New Haven.
RUSSELL, TALCOTT H., ...	New Haven.
STANTON, LEWIS E., ...	Hartford.
TOWNSEND, WILLIAM K., ...	New Haven.
WILLCOX, W. F., ...	Deep River.
WOODRUFF, GEORGE M., ...	Litchfield.

DELAWARE.

BATES, GEORGE H., ...	Wilmington.
BAYARD, THOMAS F., ...	Wilmington.
BRADFORD, EDWARD G., ...	Wilmington.
COMEGYS, JOSEPH P., ...	Dover.
GRAY, GEORGE, ...	Wilmington.
GRUBB, IGNATIUS C., ...	Wilmington.
HARRINGTON, AUSTIN, ...	Wilmington.
HIGGINS, ANTHONY, ...	Wilmington.
HOFFECCKER, JAMES H., JR., ...	Wilmington.

DELAWARE.—Continued.

LOBE, CHARLES B., ...	Wilmington.
NICHOLSON, JOHN R., ...	Dover.
PORTER, WILLARD HALL, ...	Wilmington.
SAULSBURY, WILLARD, JR., ...	Wilmington.

DISTRICT OF COLUMBIA.

APPLEBY, GEORGE F., ...	Washington.
ASHTON, J. HUBLEY, ...	Washington.
BALDWIN, WILLIAM D., ...	Washington.
BARNARD, JOB, ...	Washington.
BERRY, WALTER V. R., ...	Washington.
BLAIR, JOHN S., ...	Washington.
BLANKMAN, JOHN S., ...	Washington.
BOND, S. R., ...	Washington.
BROWNING, FRANK T., ...	Washington.
BURTON, ROBERT A., ...	Washington.
CARUSI, EUGENE, ...	Washington.
COLE, C. C., ...	Washington.
DAVIS, H. E., ...	Washington.
EARLE, WM. E., ...	Washington.
ELLIOT, CHAS. A., ...	Washington.
GARNETT, HENRY WISE, ...	Washington.
GLOVER, JOHN M., ...	Washington.
GORDON, WILLIAM A., ...	Washington.
HAGNER, RANDALL, ...	Washington.
HAMILTON, GEORGE EARNEST, ...	Washington.
HINE, LEMON G., ...	Washington.
HOFFMAN, CHARLES W., ...	Washington.
HOGG, JOHN BLAIR, ...	Washington.
KING, GEORGE A., ...	Washington.
LAMBERT, T. A., ...	Washington.
LANCASTER, CHARLES C., ...	Washington.
LARNER, JOHN B., ...	Washington.
LEE, BLAIR, ...	Washington.
MELLOY, WILLIAM A., ...	Washington.
MILLER, WILLIAM J., ...	Washington.
MOORE, JOHN B., ...	Washington.
MORRIS, M. F., ...	Washington.
MORSE, A. PORTER, ...	Washington.
MURPHY, D. F., ...	Washington.
MCCAMMON, JOSEPH K., ...	Washington.
McKENNEY, WILLIAM A., ...	Washington.
McKNIGHT, DAVID A., ...	Washington.

DISTRICT OF COLUMBIA.—Continued.

PAYNE, JAMES G.,	Washington.
REEVE, FELIX A.,	Washington.
ROBINSON, LEIGH,	Washington.
ROBINSON, N. T. N.,	Washington.
SELDEN, JOHN,	Washington.
TAGART, HUGH T.,	Washington.
WEBB, WILLIAM B.,	Washington.
WELLS, H. H.,	Washington.
WILSON, NATHANIEL,	Washington.

FLORIDA.

COOPER, JOHN C.,	Jacksonville.
RANDALL, E. M.,	Jacksonville.
WILLIAMS, R. W.,	Tallahassee.

GEORGIA.

ADAMS, SAMUEL B.,	Savannah.
AKIN, JOHN W.,	Cartersville.
BARROW, POPE,	Athens.
BARTLETT, CHARLES L.,	Macon.
BLACK, J. C. C.,	Augusta.
CALHOUN, PATRICK,	Atlanta.
CHARLTON, WALTER G.,	Savannah.
CHISHOLM, WALTER S.,	Savannah.
CLARKE, MARSHALL J.,	Atlanta.
CUMMING, JOSEPH B.,	Augusta.
CUNNINGHAM, HENRY C.,	Savannah.
DU BIGNON, FLEMMING G.,	Savannah.
ERWIN, R. G.,	Savannah.
ESTES, CLAUD,	Macon.
FALLIGANT, ROBERT,	Savannah.
GARRARD, WILLIAM,	Savannah.
GLENN, JOHN T.,	Atlanta.
HAMMOND, N. J.,	Atlanta.
HILL, WALTER B.,	Macon.
JACKSON, HENRY,	Atlanta.
JONES, CHARLES C., JR.,	Augusta.
LAWTON, ALEXANDER R.,	Savannah.
LAWTON, ALEXANDER R., JR.,	Savannah.
LYON, R. F.,	Macon.
MACKALL, WILLIAM W., JR.,	Savannah.
MELDRIM, P. W.,	Savannah.
MERCER, GEORGE A.,	Savannah.

GEORGIA.—Continued.

MILLER, FRANK H.,	Augusta.
MILLER, WM. K.,	Augusta.
MYNATT, PRIOR L.,	Atlanta.
NEWMAN, EMILE,	Savannah.
NEWMAN, W. T.,	Atlanta.
OWENS, GEORGE W.,	Savannah.
REESE, WILLIAM M.,	Washington.
RONEY, HENRY C.,	Augusta.
SIMMONS, THOMAS J.,	Macon.
SMITH, HOKE,	Atlanta.
THOMAS, GEORGE DUDLEY,	Athens.
TOMPKINS, HENRY B.,	Atlanta.
WRIGHT, BOYKIN,	Augusta.

ILLINOIS.

ALDRICH, CHARLES H.,	Chicago.
ALTGELD, JOHN P.,	Chicago.
AYER, B. F.,	Chicago.
BALDWIN, JESSE A.,	Chicago.
BARGE, WILLIAM,	Dixon.
BARKER, JOSEPH N.,	Chicago.
BARTON, JESSE B.,	Chicago.
BEACH, MYRON H.,	Chicago.
BLISS, E. R.,	Chicago.
BOND, LESTER L.,	Chicago.
BONNEY, C. C.,	Chicago.
BRADWELL, JAMES B.,	Chicago.
BRAWLEY, FRANCIS W. S.,	Chicago.
BRYAN, THOMAS B.,	Chicago.
BURNHAM, HUGH L.,	Chicago.
BUTZ, OTTO C.,	Chicago.
CALLAHAN, ETHELBERT,	Robinson.
CASS, GEORGE W.,	Chicago.
CATE, ALBION,	Chicago.
CATON, JOHN DEAN	Chicago.
COLBY, FRANCIS T.,	Chicago.
COOK, BURTON C.,	Chicago.
COOPER, JOHN S.,	Chicago.
CRAWFORD, ANDREW,	Chicago.
CRAWFORD, MONROE C.,	Murphysboro.
DENT, THOMAS,	Chicago.
DOOLITTLE, JAMES R.,	Chicago.

ILLINOIS.—Continued.

DRIGGS, GEORGE, ...	Chicago.
DUNHAM, CHAS., ...	Geneseo.
EASTMAN, SIDNEY C., ...	Chicago.
EDSALL, JAMES K., ...	Chicago.
ENGLISH, WILLIAM J., ...	Chicago.
ENNIS, ALFRED, ...	Chicago.
EVERETT, JOHN C., ...	Chicago.
EVERETT, WILLIAM S., ...	Chicago.
EWING, WILLIAM G., ...	Chicago.
FAY, J. EDWARDS, ...	Chicago.
FLOWER, JAMES M., ...	Chicago.
GAPEN, CLARK, ...	Chicago.
GARTSIDE, JOHN M., ...	Chicago.
GARY, ELBERT H., ...	Chicago.
GIBBONS, JOHN, ...	Chicago.
GOODWIN, DANIEL, ...	Chicago.
GREGORY, STEPHEN S., ...	Chicago.
HALL, GEORGE W., ...	Chicago.
HAMLIN, JOHN H., ...	Chicago.
HAMMER, D. HARRY, ...	Chicago.
HARDING, GEORGE F., ...	Chicago.
HARKNESS, EDSON J., ...	Chicago.
HIGGINS, VAN HOLLI, ...	Chicago.
HOLDOM, JESSE, ...	Chicago.
HOLSTEIN, CHARLES L., ...	Chicago.
HOLT, ALFRED E., ...	Rockford.
HOLT, CHARLES S., ...	Chicago.
HORTON, OLIVER H., ...	Chicago.
HOYNE, PHILIP A., ...	Chicago.
HUEY, JOHN S., ...	Chicago.
HUNT, GEORGE, ...	Springfield.
HURD, HARVEY B., ...	Chicago.
JAMIESON, EGBERT, ...	Chicago.
JENKINS, ROBERT E., ...	Chicago.
JEWETT, JOHN N., ...	Chicago.
KOERNER, GUSTAVE, ...	Belleville.
KRETZINGER, GEORGE W., ...	Chicago.
LACKNER, FRANCIS, ...	Chicago.
LEAMING, JEREMIAH, ...	Chicago.
LYMAN, DAVID B., ...	Chicago.
MANNING, WILLIAM J., ...	Chicago.
MASON, EDWARD G., ...	Chicago.
MILLER, H. H. C., ...	Chicago.

ILLINOIS.—Continued.

MILLER, JOHN S., ...	Chicago.
MORAN, THOMAS A., ...	Chicago.
MOSES, ADOLPH, ...	Chicago.
McCONNELL, SAMUEL P., ...	Chicago.
McMURDY, ROBERT H., ...	Chicago.
NEEDHAM, CHARLES W., ...	Chicago.
ORENDORF, ALFRED, ...	Springfield.
OTIS, EPHRAIM A., ...	Chicago.
PALMER, JOHN M., ...	Springfield.
PAYNE, JOHN BARTON, ...	Chicago.
PENCE, ABRAM M., ...	Chicago.
POLLASKY, MARCUS, ...	Chicago.
POWERS, MILLARD R., ...	Evanston.
PRUSSING, EUGENE E., ...	Chicago.
RAYMOND, JAMES H., ...	Chicago.
REMY, CURTIS H., ...	Chicago.
RICHARDSON, WILLIAM H., ...	Chicago.
RIGGS, JAMES M., ...	Winchester.
RINAKER, JOHN I., ...	Carlinsville.
ROSENTHAL, JULIUS, ...	Chicago.
RUNNELLS, JOHN S., ...	Chicago.
SANFORD, EDWARD, ...	Morris.
SCAMMON, J. YOUNG, ...	Chicago.
SCOTT, JOHN M., ...	Bloomington.
SHEPARD, HENRY M., ...	Chicago.
SHERMAN, E. B., ...	Chicago.
SMITH, EDWIN BURRITT, ...	Chicago.
SMITH, FRANK J., ...	Chicago.
STRAWN, CHRISTOPHER C., ...	Chicago.
TENNEY, DANIEL K., ...	Chicago.
TEWKESBURY, WILLIAM J., ...	Chicago.
THOMAN, LEROY D., ...	Chicago.
THOMPSON, JOHN H., ...	Chicago.
TRUMBULL, LYMAN, ...	Chicago.
TUTHILL, RICHARD S., ...	Chicago.
ULLMAN, FREDERIC, ...	Chicago.
VOCKE, WILLIAM, ...	Chicago.
WASHBURN, HEMPSTEAD, ...	Chicago.
WILE, DAVID J., ...	Chicago.
WILLARD, GARDNER G., ...	Chicago.
WILLARD, GEORGE, ...	Chicago.
WILLETT, CONSIDER H., ...	Chicago.
WILLITTS, GEORGE S., ...	Chicago.

INDIANA.

BUTLER, JOHN M., ...	Indianapolis.
BUTLER, NOBLE C., ...	Indianapolis.
DAVIDSON, THOMAS F., ...	Crawfordville.
FAIRBANKS, CHAS. W., ...	Indianapolis.
FANCHER, THADEUS S., ...	Crown Point.
FISHBACK, W. P., ...	Indianapolis.
HARRISON, BENJAMIN, ...	Indianapolis.
HUTCHINS, JESSE F., ...	Wabash.
IGLEHART, JOHN E., ...	Evansville.
MORRIS, NATHAN, ...	Indianapolis.
SAYLER, HENRY B., ...	Huntingdon.
TAYLOR, R. S., ...	Fort Wayne.
WILSON, JOHN R., ...	Indianapolis.
WILSON, WILLIAM C., ...	Lafayette.

IOWA.

BALDWIN, ROBERT B., ...	Clinton.
BURKE, FINLEY, ...	Council Bluffs.
CUMMINS, A. B., ...	Des Moines.
DANIELS, FRANCIS B., ...	Dubuque.
DEERY, JOHN, ...	Dubuque.
DUNCOMBE, JOHN F., ...	Fort Dodge.
GUERNSEY, NATHANIEL F., ...	Des Moines.
KAUFFMAN, B. F., ...	Des Moines.
MCCLAIN, EMLIN, ...	Iowa City.
MCCRARY, A. J., ...	Keokuk.
SHIRAS, OLIVER P., ...	Dubuque.
VAN VALKENBURG, JOHN, ...	Fort Madison.
WRIGHT, GEORGE G., ...	Des Moines.
WRIGHT, THOMAS S., ...	Des Moines.

KANSAS.

DILLON, HIRAM P., ...	Topeka.
GLEED, CHARLES S., ...	Topeka.
MONROE, CHARLES, ...	Topeka.
NEBEKER, LUCAS, ...	Wellington.
PECK, GEORGE R., ...	Topeka.
PERRY, WILLIAM C., ...	Topeka.
SMITH, CHARLES B., ...	Topeka.
STILLWELL, L., ...	Erie.

KENTUCKY.

BRECKINRIDGE, WM. C. P., ...	Lexington.
BUCKNER, B. F., ...	Louisville.
DAVIE, GEORGE M., ...	Louisville.
GOEBEL, WILLIAM, ...	Covington.
HENDRICK, W. J., ...	Flemingsburg.
PIETLE, JAMES S., ...	Louisville.
SCOTT, C. SUYDAM, ...	Lexington.
SUDDUTH, W. A., ...	Louisville.
TRABUE, E. F., ...	Louisville.
WILSON, A. E., ...	Louisville.

LOUISIANA.

BAYNE, THOMAS L., ...	New Orleans.
BENEDICT, W. S., ...	New Orleans.
BREAUX, G. A., ...	New Orleans.
BRICE, ALBERT G., ...	New Orleans.
DART, HENRY P., ...	New Orleans.
DENÉGRE, GEORGE, ...	New Orleans.
FARRAR, EDGAR H., ...	New Orleans.
FORMAN, BENJAMIN RICE, ...	New Orleans.
GIBSON, RANDALL LEE, ...	New Orleans.
GILMORE, THOMAS, ...	New Orleans.
GOLDTHWAITE, ALFRED, ...	New Orleans.
GURLEY, J. WARD, JR., ...	New Orleans.
HALL, HARRY H., ...	New Orleans.
HOWE, W. W., ...	New Orleans.
HUNT, CARLETON, ...	New Orleans.
KELLY, HENRY B., ...	New Orleans.
KRUTSCHNITT, ERNEST B., ...	New Orleans.
LEGENDRE, JAMES, ...	New Orleans.
MCCALEB, E. HOWARD, ...	New Orleans.
MERRICK, EDWIN T., ...	New Orleans.
MERRICK, EDWIN T., JR., ...	New Orleans.
MILLER, H. C., ...	New Orleans.
MORGAN, H. GIBBES, ...	New Orleans.
POCHÉ, F. P., ...	New Orleans.
POCHÉ, JEROME E., ...	St. James.
ROST, EMILE, ...	New Orleans.
SEMMES, THOMAS J., ...	New Orleans.

MAINE.

BIRD, GEORGE E., ...	Portland..
CLEAVES, NATHAN, ...	Portland..
HASKELL, THOMAS H., ...	Portland..
HOLMES, GEORGE F., ...	Portland..
LIBBY, CHARLES F., ...	Portland..
STETSON, CHARLES P., ...	Bangor..
STROUT, A. A., ...	Portland..
WEBB, NATHAN, ...	Portland..
WILSON, F. A., ...	Bangor..
WOODARD, CHARLES F., ...	Bangor..
WOODMAN, EDWARD, ...	Portland..

MARYLAND.

ALEXANDER, JULIAN J., ...	Baltimore.
BONAPARTE, CHARLES J., ...	Baltimore.
BROWN, SEBASTIAN, ...	Baltimore.
COWEN, JOHN K., ...	Baltimore.
CROSS, E. J. D., ...	Baltimore.
DONALDSON, JOHN J., ...	Baltimore.
EDWARDS, TRYON H., ...	Hagerstown..
FISHER, WILLIAM A., ...	Baltimore.
GOODWIN, C. RIDGELY, ...	Baltimore.
GWINN, CHARLES J. M., ...	Baltimore.
HANDY, JOHN H., ...	Baltimore.
HINKLEY, EDWARD OTIS, ...	Baltimore..
HUGHES, THOMAS, ...	Baltimore.
JONES, ISAAC D., ...	Baltimore.
KNOTT, A. LEO, ...	Baltimore.
LATROBE, JOHN H. B., ...	Baltimore.
MARSHALL, CHARLES, ...	Baltimore.
MASON, JOHN T. (JOHN T. MASON, R)	Baltimore.
MUNNIKHUYSEN, HOWARD, ...	Baltimore.
ROGERS, ROBERT LYON, ...	Baltimore.
SHARP, GEORGE M., ...	Baltimore.
STOCKBRIDGE, HENRY, ...	Baltimore.
STOCKETT, J. SHAAFF, ...	Annapolis.
VENABLE, RICHARD M., ...	Baltimore.
WHITELOCK, GEORGE, ...	Baltimore.
WILLIAMS, EDWARD CALVIN, ...	Baltimore.
WILMER, SKIPWITH, ...	Baltimore.

MASSACHUSETTS.

ALLEN, STILLMAN B.,	Boston.
BALDWIN, G. W.,	Boston.
BELL, C. U.,	Lawrence.
BRALEY, HENRY K.,	Fall River.
BROOKS, FRANCIS A.,	Boston.
BULLOCK, A. G.,	Worcester.
CHANDLER, ALFRED D.,	Boston.
CLIFFORD CHARLES W.,	New Bedford.
COLLINS, PATRICK A.,	Boston.
CRAPO, WILLIAM W.,	New Bedford.
CURLEY, THOMAS,	Boston.
DAVIS, JOHN,	Lowell.
DICKINSON, M. F., JR.,	Boston.
DILLAWAY, W. E. R.,	Boston.
ENDICOTT, WM. C.,	Salem.
FISH, FREDERICK P.,	Boston.
FRENCH, WILLIAM B.,	Boston.
FULLER, HORACE W.,	Boston.
GASTON, WILLIAM,	Boston.
GOODWIN, FRANK,	Boston.
HEMENWAY, ALFRED,	Boston.
HURD, FRANCIS W.,	Boston.
JONES, LEONARD A.,	Boston.
LADD, NATH. W.,	Boston.
MARSHALL, JOSHUA N.,	Lowell.
MAXWELL, J. AUDLEY,	Boston.
MONROE, WILLIAM A.,	Boston.
MYERS, JAMES J.,	Boston.
PUTNAM, HENRY W.,	Boston.
RICHARDSON, DANIEL S.,	Lowell.
RICHARDSON, GEORGE F.,	Lowell.
RUSSELL, CHARLES T., JR.,	Cambridge.
RUSSELL, WILLIAM G.,	Boston.
SCAIFE, LAURISTON L.,	Boston.
SEARLE, GEORGE W.,	Boston.
SEARS, PHILIP H.,	Boston.
SHATTUCK, GEORGE O.,	Boston.
SOUTHARD, CHARLES B.,	Boston.
SPAULDING, JOHN,	Boston.
STOREY, MOORFIELD,	Boston.
STORROW, JAMES J.,	Boston.
WHITE, GEORGE,	Boston.

MICHIGAN.

BAKER, HERBERT L., ...	Detroit.
BALDWIN, AUGUSTUS C., ...	Pontiac.
BALL, DANIEL H., ...	Marquette.
BROWN, HENRY B., ...	Detroit.
CONELY, EDWIN F., ...	Detroit.
CONELY, JOHN D., ...	Detroit.
COOLEY, THOMAS M., ...	Ann Arbor.
DICKINSON, DON M., ...	Detroit.
DUFFIELD, HENRY M., ...	Detroit.
FLETCHER, NIRAM A., ...	Grand Rapids.
GRIFFIN, LEVI T., ...	Detroit.
HENDERSON, HENRY P., ...	Mason.
HOSMER, GEORGE S., ...	Detroit.
KENT, CHARLES A., ...	Detroit.
MEDDAUGH, ELIJAH W., ...	Detroit.
MOORE, GEORGE WILLIAM, ...	Detroit.
O'BRIEN, THOMAS J., ...	Grand Rapids.
McKNIGHT, R. B., ...	East Saginaw.
PENDLETON, EDWARD W., ...	Detroit.
ROGERS, HENRY WADE, ...	Ann Arbor.
RUSSELL, ALFRED, ...	Detroit.
SELLERS, ELIAS H., ...	Detroit.
SMITH, HARSON D., ...	Cassapolis.
THURBER, HENRY T., ...	Detroit.
WANTY, GEORGE P., ...	Grand Rapids.
WEADOCK, GEORGE W., ...	East Saginaw.
WEADOCK, THOMAS A. E., ...	Bay City.
WELLS, WILLIAM P., ...	Detroit.

MINNESOTA.

BENTON, REUBEN C., ...	Minneapolis.
COLE, GORDON E., ...	St. Paul.
ENSIGN, JOSIAH D., ...	Duluth.
HAHN, WILLIAM J., ...	Minneapolis.
INGERSOLL, FREDERICK G., ...	St. Paul.
LOVELY, JOHN A., ...	Albert Lea.
OVITT, ALBERT B., ...	St. Paul.
OZMAN, EDWARD H., ...	St. Paul.
PIERCE, JAMES O., ...	Minneapolis.
SANBORN, JOHN B., ...	St. Paul.
SANBORN, WALTER H., ...	St. Paul.
SHAW, JOHN M., ...	Minneapolis.
SPRINGER, J. D., ...	Minneapolis.

MINNESOTA.—Continued.

STEVENS, HIRAM F., ...	St. Paul.
TIGHE, AMBROSE, ...	St. Paul.
WENZELL, H. B., ...	St. Paul.
WILLISTON, W. C., ...	Redwing.
WILSON, EUGENE M., ...	Minneapolis.
WILSON, THOMAS, ...	Winona.
YOUNG, GEORGE B., ...	St. Paul.

MISSISSIPPI.

ALLEN, JOHN M., ...	Tupelo.
GILLAND, JOHN D., ...	Vicksburg.
HILL, R. A., ...	Oxford.
HOUSTON, LOCK E., ...	Aberdeen.
HOWRY, CHARLES B., ...	Oxford.
LEIGH, JOSEPH E., ...	Columbus.
SIMS, W. H., ...	Columbus.

MISSOURI.

ADAMS, E. B., ...	St. Louis.
ALLEN, CHARLES CLAFLIN, ...	St. Louis.
BARCLAY, SHEPARD, ...	St. Louis.
BRECKINRIDGE, SAMUEL M., ...	St. Louis.
BROADHEAD, JAMES O., ...	St. Louis.
CRITTENDEN, C. C., ...	Kansas City.
DICKSON, JOHN M., ...	St. Louis.
DOBSON, CHAS. L., ...	Kansas City.
DONALDSON, WM. R., ...	St. Louis.
GIVAN, NOAH M., ...	Harrisonville.
HAGERMAN, FRANK, ...	Kansas City.
HAGERMAN, JAMES, ...	Kansas City.
HAMMOND, WILLIAM G., ...	St. Louis.
HENDERSON, J. B., ...	St. Louis.
HITCHCOCK, HENRY, ...	St. Louis.
HOUGH, WARWICK, ...	St. Louis.
JUDSON, FREDERICK N., ...	St. Louis.
KARNES, J. V. C., ...	Kansas City.
KEHR, EDWARD C., ...	St. Louis.
KERN, ROBERT H., ...	St. Louis.
LATHROP, GARDINER, ...	Kansas City.
LEWIS, JAMES M., ...	St. Louis.
MADILL, GEORGE A., ...	St. Louis.

MISSOURI.—Continued.

MARTIN, ALEXANDER, ...	St. Louis.
MCCRARY, GEORGE W., ...	Kansas City.
MCDUGAL, HENRY C., ...	Kansas City.
NOBLE, JOHN W., ...	St. Louis.
PORTIS, THOMAS J., ...	St. Louis.
PRATT, WALLACE, ...	Kansas City.
SPENCER, SELDEN P., ...	St. Louis.
STILES, EDWARD H., ...	Kansas City.
TAUSSIG, JAMES, ...	St. Louis.
THOMPSON, SEYMOUR D., ...	St. Louis.
TORREY, JAY L., ...	St. Louis.
WITHROW, JAMES E., ...	St. Louis.

MONTANA.

CULLEN, WILLIAM E., ...	Helena.
SANDERS, JAMES U., ...	Helena.
SANDERS, WILBUR F., ...	Helena.
TOOLE, EDWIN W., ...	Helena.
WADE, DECIUS S., ...	Helena.

NEBRASKA.

COWIN, J. C., ...	Omaha.
ESTABROOK, EXPERIENCE, ...	Omaha.
GREEN, CHARLES J., ...	Omaha.
HARWOOD, N. S., ...	Lincoln.
MANDERSON, CHARLES F., ...	Omaha.
PRITCHETT, GEORGE E., ...	Omaha.
WEBSTER, JOHN L., ...	Omaha.
WOOLWORTH, JAMES M., ...	Omaha.

NEW HAMPSHIRE.

ATHERTON, HENRY B., ...	Nashua.
BINGHAM, HARRY, ...	Littleton.
BURNHAM, HENRY E., ...	Manchester.
BURNS, CHARLES H., ...	Wilton.
CHASE, FREDERICK, ...	Hanover.
COLBY, JAMES F., ...	Hanover.
CROSS, DAVID, ...	Manchester.
FELLOWS, JOSEPH W., ...	Manchester.
LADD, WILLIAM S., ...	Lancaster.
MARSTON, GILMAN, ...	Exeter.
SPRING, JOHN L., ...	Lebanon.

NEW JERSEY.

ALLEN, ROBERT, JR., ...	Red Bank.
BEDLE, JOSEPH D., ...	Jersey City.
BOGGS, HERBERT, ...	Newark.
BORCHERLING, CHARLES, ...	Newark.
BUCHANAN, JAMES, ...	Trenton.
DICKINSON, S. MEREDITH, ...	Trenton.
FLEMMING, JAMES, ...	Jersey City.
FORT, J. FRANK, ...	Newark.
GARRETSON, A. Q., ...	Jersey City.
GOBLE, L. SPENCER, ...	Newark.
GRANT, ALEXANDER, JR., ...	Newark.
GREY, SAMUEL H., ...	Camden.
KEASBEY, ANTHONY Q., ...	Newark.
MCCARTER, THOMAS N., ...	Newark.
PARKER, CORTLANDT, ...	Newark.
PARKER, R. WAYNE, ...	Newark.
RANDOLPH, JOSEPH F., ...	Jersey City.
SHIPMAN, J. G., ...	Belvidere.
TAYLOR, JOHN W., ...	Newark.
TEESE, FREDERICK H., ...	Newark.
VREDENBURGH, JAMES B., ...	Jersey City.
VROOM, GARRETT D. W., ...	Trenton.
WEART, JACOB, ...	Jersey City.
WEEKS, WILLIAM R., ...	Newark.
WILLIAMS, WASHINGTON B., ...	Jersey City.
WILSON, WILLIAM R., ...	Elizabeth.
WOODRUFF, ROBERT S., ...	Trenton.

NEW MEXICO.

HAZLEDINE, WILLIAM C., ...	Albuquerque.
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NEW YORK.

ABBOTT, AUSTIN, ...	New York.
EVERY, FRANK C., ...	Ovid.
BAKER, ASHLEY D. L., ...	Gloversville.
BEACH, CHARLES F., JR., ...	New York.
BENEDICT, ROBERT D., ...	New York.
BENTON, DANIEL L., ...	Hornellsville.
BISCHOFF, HENRY, JR., ...	New York.
BRISTOW, BENJAMIN H., ...	New York.

NEW YORK.—Continued.

BRUNO, RICHARD M., ...	New York.
BRUSH, CHARLES H., ...	New York.
BULLARD, E. F., ...	Saratoga Springs.
BURNETT, HENRY L., ...	New York.
BUTLER, CHARLES, ...	New York.
BUTLER, CHARLES HENRY, ...	New York.
BUTLER, WM. ALLEN, ...	New York.
BUTLER, WM. ALLEN, JR., ...	New York.
CARTER, JAMES C., ...	New York.
CHAMBERLAIN, D. H., ...	New York.
CLARK, THOMAS ALLEN, ...	Albany.
CLINTON, HENRY L., ...	New York.
COLLIER, M. DWIGHT, ...	New York.
COOK, WILLIAM W., ...	New York.
CROWELL, CHARLES E., ...	New York.
CUMING, JAMES R., ...	New York.
DA COSTA, CHARLES M., ...	New York.
DAVISON, CHARLES A., ...	New York.
DAVISON, CHARLES M., ...	Saratoga Springs.
DESTY, ROBERT, ...	Rochester.
DICKSON, HERBERT E., ...	New York.
DILLON, JOHN F., ...	New York.
DOS PASSOS, JOHN R., ...	New York.
DOUGHERTY, J. HAMPDEN, ...	New York.
DUDLEY, JAMES M., ...	Johnstown.
EATON, SHERBURNE B., ...	New York.
EVARTS, WM. M., ...	New York.
FIELD, DAVID DUDLEY, ...	New York.
FOWLER, ROBERT LUDLOW, ...	New York.
FOX, AUSTEN G., ...	New York.
GOODHART, MORRIS, ...	New York.
GRINNELL, W. MORTON, ...	New York.
GUILBERT, ALBERT B., ...	Rochester.
HAWKESWORTH, R. W., ...	New York.
HERMAN, HENRY M., ...	New York.
HOADLY, GEORGE, ...	New York.
HOLT, GEORGE C., ...	New York.
HORNBLOWER, WILLIAM B., ...	New York.
HOUSTON, WILLIAM T., ...	New York.
HUBBARD, THOMAS H., ...	New York.
HUTCHINS, WALDO, ...	New York.
ISAACS, M. S., ...	New York.
JEWETT, HUGH J., ...	New York.

NEW YORK.—Continued.

JOHNSON, EDGAR M., ...	New York.
KERNAN, FRANCIS, ...	Utica.
LAMBERTON, C. L., ...	New York.
LEAVITT, JOHN BROOKS, ...	New York.
LEEDS, CHARLES C., ...	New York.
LEWIS, CHARLTON T., ...	New York.
LORD, SCOTT, ...	New York.
MACFARLAND, W. W., ...	New York.
MATHEWS, ALBERT, ...	New York.
MILBURN, JOHN G., ...	Buffalo.
MOAK, N. C., ...	Albany.
MOOT, ADELBERT, ...	Buffalo.
MYERS, NATHANIEL, ...	New York.
MCCOOK, JOHN J., ...	New York.
NASH, STEPHEN P., ...	New York.
NELSON, HOMER A., ...	Poughkeepsie.
NICHOLS, GEORGE L., JR., ...	New York.
NICOLL, DELANCEY, ...	New York.
OLMSTEAD, DWIGHT H., ...	New York.
PARKER, AMASA J., ...	Albany.
PARMENTER, ROSWELL A., ...	Troy.
PEABODY, CHARLES A., ...	New York.
PHELPS, WILLIAM WALTER, ...	New York.
PHILBIN, EUGENE AMBROSE, ...	New York.
POTTER, FREDERICK, ...	New York.
POTTER, ORLANDO B., ...	New York.
PRIME, RALPH E., ...	Yonkers
PRYOR, ROGER A., ...	New York
ROGERS, SHERMAN S., ...	Buffalo.
SCHOONMAKER, AUGUSTUS, ...	Kingston.
SEMPLE, MACKENZIE, ...	New York.
SEWELL, ROBERT, ...	New York.
SHACK, FERDINAND, ...	New York.
SHEPARD, ELLIOTT F., ...	New York.
SMITH, NELSON, ...	New York.
SPEIR, GILBERT M., JR., ...	New York.
SPRAGUE, E. C., ...	Buffalo.
STERNE, SIMON, ...	New York.
STICKNEY, ALBERT, ...	New York.
STILLMAN, THOMAS E., ...	New York.
TAYLOR, JOHN D., ...	New York.
TERRILL, H. L., ...	New York.
TODD, A. J., ...	New York.

NEW YORK.—Continued.

TOMPKINS, HAMILTON B.,	New York.
TURNER, HERBERT B.,	New York.
VAN SLYCK, GEORGE W.,	New York.
WARD, HENRY GALBRAITH,	New York.
WARD, JOHN E.,	New York.
WARREN, IRA D.,	New York.
WHEELER, EVERETT P.,	New York.
WHEELER, WILLIAM,	New York.
WHITTAKER, EGBERT,	Saugerties.
WILCOX, ANSLEY,	Buffalo.
WILDS, HOWARD PAYSON,	New York.
WILMER, W. N.,	New York.
WINTHROP, WILLIAM,	West Point.
WISE, JOHN S.,	New York.

NORTH CAROLINA.

BRIDGERS, JOHN L., JR.,	Tarboro.
KEOGH, THOMAS B.,	Greensboro.

OHIO.

BALDWIN, CHARLES C.,	Cleveland.
BOWLER, ROBERT B.,	Cincinnati.
BUCKET, JACOB F.,	Findlay.
BURKE, STEVENSON,	Cleveland.
COLSTON, EDWARD,	Cincinnati.
COON, JOHN,	Cleveland.
COX, JOSEPH,	Cincinnati.
DICKSON, J. H.,	Wellington.
DOYLE, JOHN H.,	Toledo.
FERGUSON, E. A.,	Cincinnati.
FERRIS, AARON A.,	Cincinnati.
FITCH, EDWARD H.,	Jefferson.
FOLLETT, MARTIN D.,	Marietta.
GOULDER, HARVEY V.,	Cleveland.
GREEN, EDWIN P.,	Akron.
GUNCKEL, LEWIS B.,	Dayton.
HALL, JOHN J.,	Akron.
HARRISON, RICHARD A.,	Columbus.
HORTON, S. DANA,	Pomeroy.
HUNT, SAMUEL F.,	Cincinnati.
JOHNSTON, JOSEPH R.,	Youngstown.

OHIO.—Continued.

JONES, ASAHEL W.,	Youngstown.
KING, RUFUS,	Cincinnati.
KITTREDGE, EDMUND W.,	Cincinnati.
MACKOY, WILLIAM H.,	Cincinnati.
MAXWELL, LAWRENCE, JR.,	Cincinnati.
PRATT, CHARLES,	Toledo.
RAMSEY, WILLIAM M.,	Cincinnati.
RANNEY, HENRY C.,	Cleveland.
RANNEY, RUFUS P.,	Cleveland.
SHAW, R. K.,	Marietta.
STEVENSON, JOB E.,	Cincinnati.
TERRILL, WILLIAM J.,	Youngstown.
TINKER, ALBERT B.,	Akron.
TYLER, JOEL W.,	Cleveland.
VORIS, EDWIN F.,	Akron.
WHEELER, SETH S.,	Lima.
WILLIAMSON, SAMUEL E.,	Cleveland.
YOUNG, GEORGE R.,	Dayton.
ZUCKER, PETER,	Cleveland.

OREGON.

DEADY, M. P.,	Portland.
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PENNSYLVANIA.

ALLEN, ROBERT P.,	Williamsport.
ARNOLD, MICHAEL,	Philadelphia.
ATHERTON, THOMAS H.,	Wilkesbarre.
BAER, GEORGE F.,	Reading.
BAUSMAN, J. W. B.,	Lancaster.
REDFORD, GEORGE R.,	Wilkesbarre.
BIDDLE, A. SYDNEY,	Philadelphia.
BIDDLE, GEORGE W.,	Philadelphia.
BISPHAM, GEORGE TUCKER,	Philadelphia.
BREDIN, JAMES,	Pittsburgh.
BUDD, HENRY,	Philadelphia.
CHURCH, PEARSON,	Meadville.
CONARROE, GEORGE M.,	Philadelphia.
DANA, SAMUEL W.,	New Castle.
DARLING, EDWARD P.,	Wilkesbarre.
DARLING, J. VAUGHAN,	Wilkesbarre.
DERR, ANDREW F.,	Wilkesbarre.

PENNSYLVANIA.—Continued.

DORRANCE, J. FORD, ...	Meadville.
FISHER, WILLIAM RIGHTER, ...	Philadelphia.
GILBERT, LYMAN D., ...	Harrisburg.
GUTHRIE, GEORGE W., ...	Pittsburgh.
HANDLEY, JOHN, ...	Scranton.
HAUSE, J. FRANK E., ...	West Chester.
HEMPHILL, JOSEPH, ...	West Chester.
HENRY, MORTON P., ...	Philadelphia.
HINCKLEY, ROBERT H., ...	Philadelphia.
HUEY, SAMUEL B., ...	Philadelphia.
KAERCHER, GEORGE R., ...	Philadelphia.
KAUFFMAN, A. J., ...	Columbia.
KEATOR, JOHN F., ...	Philadelphia.
KULP, GEORGE B., ...	Wilkesbarre.
LEAR, HENRY, ...	Doylestown.
LISTER, CHARLES C., ...	Philadelphia.
LITTLE, WILLIAM E., ...	Tunkhannock.
LIVINGSTON, J. B., ...	Lancaster.
MARTIN, J. WILLIS, ...	Philadelphia.
MERCER, GEORGE G., ...	Philadelphia.
MERCUR, JAMES WATTS, ...	Philadelphia.
MERCUR, RODNEY A., ...	Towanda.
MILLER, E. SPENCER, ...	Philadelphia.
MILLER, N. DUBOIS, ...	Philadelphia.
MITCHELL, JAS. T., ...	Philadelphia.
MONAGHAN, ROBERT E., ...	West Chester.
MONAGHAN, R. JONES, ...	West Chester.
MORGAN, RANDAL, ...	Philadelphia.
MUNSON, C. LA RUE, ...	Williamsport.
MCCARTHY, HENRY J., ...	Philadelphia.
MCCLINTOCK, ANDREW H., ...	Wilkesbarre.
MCCLINTOCK, ANDREW T., ...	Wilkesbarre.
NORTH, E. D., ...	Lancaster.
NORTH, HUGH M., ...	Columbia.
OSBORNE, EDWIN S., ...	Wilkesbarre.
PACKER, JOHN B., ...	Sunbury.
PALMER, HENRY W., ...	Wilkesbarre.
PARRISH, JOSEPH, ...	Philadelphia.
PARSONS, HENRY C., ...	Williamsport.
PATTERSON, C. STUART, ...	Philadelphia.
PATTERSON, T. ELLIOTT, ...	Philadelphia.
PENNYPACKER, CHARLES H., ...	West Chester.
PENNYPACKER, SAMUEL W., ...	Philadelphia.

PENNSYLVANIA.—Continued.

PERKINS, SAMUEL C., ...	Philadelphia.
PETTIT, SILAS W., ...	Philadelphia.
PORTER, WILLIAM W., ...	Philadelphia.
PRICE, ELI KIRK, ...	Philadelphia.
PRICE, J. SERGEANT, ...	Philadelphia.
PRICHARD, FRANK P., ...	Philadelphia.
RAWLE, FRANCIS, ...	Philadelphia.
REED, HENRY, ...	Philadelphia.
REMAK, STEPHEN S., ...	Philadelphia.
REYNOLDS, SAMUEL H., ...	Lancaster.
SEIBERT, W. N., ...	New Bloomfield.
SHAPLEY, RUFUS E., ...	Philadelphia.
SHIRAS, GEORGE, JR., ...	Pittsburgh.
SHOEMAKER, L. D., ...	Wilkesbarre.
SMITH, FREDERICK E., ...	Tioga.
SMITH, WALTER GEORGE, ...	Philadelphia.
STEWART, W. F. BAY, ...	York.
SULZBERGER, MAYER, ...	Philadelphia.
SWAIN, CHARLES M., ...	Philadelphia.
TODD, M. HAMPTON, ...	Philadelphia.
VALENTINE, JOHN K., ...	Philadelphia.
VAUX, RICHARD, ...	Philadelphia.
WADDELL, WILLIAM B., ...	West Chester.
WAGNER, SAMUEL, ...	Philadelphia.
WALKER, ROBERT J. C., ...	Williamsport.
WATSON, D. T., ...	Pittsburgh.
WILLARD, EDWARD N., ...	Scranton.
WILTBANK, WILLIAM W., ...	Philadelphia.
WINDLE, WILLIAM S., ...	West Chester.
WINTERNITZ, BENJAMIN A., ...	New Castle.
WOLVERTON, SIMON P., ...	Sunbury.

RHODE ISLAND.

BAKER, DARIUS, ...	Newport.
BRADLEY, CHARLES, ...	Providence.
LAWRENCE, ISAAC, ...	Newport.
ROELKER, WILLIAM G., ...	Providence.
THURSTON, BENJAMIN F., ...	Providence.
TILLINGHAST, JAMES, ...	Providence.
VAN SLYCK, NICHOLAS, ...	Providence.

SOUTH CAROLINA.

BACOT, T. W., ...	Charleston.
BENET, WILLIAM C., ...	Abbeville.
BOYD, ROBERT W., ...	Darlington.
BRAWLEY, WILLIAM H., ...	Charleston.
BROWN, GEORGE W., ...	Darlington.
DARGAN, E. KEITH, ...	Darlington C. H.
GILLAND, THOMAS M., ...	Kingtree.
HASKELL, JOHN C., ...	Columbia.
HEMPHILL, JOHN J., ...	Chester.
JOHNSTONE, GEORGE, ...	Newbury.
LORD, SAMUEL, ...	Charleston.
MILES, CH. RICHARDSON, ...	Charleston.
MORDECAI, T. MOULTRIE, ...	Charleston.
MCCRADY, EDWARD, JR., ...	Charleston.
NETTLES, CLEMENT S., ...	Darlington.
ORR, JAMES L., ...	Greenville.
PARKER, WILLIAM H., ...	Abbeville.
SMYTHE, AUGUSTINE T., ...	Charleston.
WOODS, CHARLES A., ...	Marion.
YOUNG, HENRY E., ...	Charleston.

SOUTH DAKOTA.

WRIGHT, J. W., ...	Clark.
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TENNESSEE.

ALLISON, ANDREW, ...	Nashville.
BRYAN, MALACHI T., ...	Nashville.
CAMP, E. C., ...	Knoxville.
CAMPBELL, LEMUEL R., ...	Nashville.
CARROLL, WILLIAM H., ...	Memphis.
CHAMPION, SAMUEL A., ...	Nashville.
COLLIER, W. A., ...	Memphis.
COOPER, EDMUND, ...	Shelbyville.
COOPER, WILLIAM F., ...	Nashville.
DICKINSON, J. M., ...	Nashville.
ESTES, BEDFORD M., ...	Memphis.
FENTRESS, JAMES, ...	Bolivar.
FOLKES, W. C., ...	Memphis.
GAINES, JOHN W., JR., ...	Nashville.
GAUT, JOHN, M., ...	Nashville.
HEAD, JAMES M., ...	Nashville.

TENNESSEE.—Continued.

JACKSON, ROBERT F., ...	Nashville.
MCCORBY, H. W., ...	Jackson.
McFARLAND, L. B., ...	Memphis.
MCNEAL, ALBERT T., ...	Bolivar.
MERRITT, A. G., ...	Nashville.
MORRIS, ROBERT L., ...	Nashville.
POSTON, FRANK P., ...	Memphis.
VERTREES, J. J., ...	Nashville.
WATKINS, EDWARD, ...	Chattanooga.
WHEELER, XENOPHON, ...	Chattanooga.

TEXAS.

MCLEARY, J. H., ...	San Antonio.
PERKINS, E. B., ...	Greenville.
WAUL, T. N., ...	Galveston.

VERMONT.

JOHNSON, WILLIAM E., ...	Woodstock.
McCULLOUGH, JOHN G., ...	N. Bennington.
PAUL, NORMAN, ...	Woodstock.
PHELPS, EDWARD J., ...	Burlington.
ROBERTS, DANIEL, ...	Burlington.
SHURTLIFF, S. C., ...	Montpelier.
TAFT, ELIHU B., ...	Burlington.
TUPPER, A. P., ...	Middlebury.
WING, JOSEPH A., ...	Montpelier.

VIRGINIA.

BEACH, S. FERGUSON, ...	Alexandria.
CROCKER, JAMES F., ...	Portsmouth.
DINEEN, JOHN H., ...	Richmond.
GARNETT, THEODORE S., ...	Norfolk.
GILLIAM, MARSHALL M., ...	Richmond.
GRAVES, CHARLES A., ...	Lexington.
HAMILTON, ALEXANDER, ...	Petersburg.
HUGHES, ROBERT M., ...	Norfolk.
HUNTON, EPPA, ...	Warrenton.
LYONS, JAMES, ...	Richmond.
MCGUIRE, FRANK H., ...	Richmond.
MCKENNEY, WILLIAM R., ...	Petersburg.
PAGE, LEH R., ...	Richmond.

VIRGINIA.—Continued.

PAGE, THOMAS NELSON, ...	Richmond.
ROBERTSON, WILLIAM J., ...	Charlottesville.
SOUTHALL, S. V., ...	Charlottesville.
THOM, ALFRED P., ...	Norfolk.
TUCKER, J. RANDOLPH, ...	Lexington.
WATTS, LEIGH R., ...	Portsmouth.

WEST VIRGINIA.

BOGGESE, CALEB, ...	Clarksburg.
BUTTRICK, E. L., ...	Charleston.
COLE, W. L., ...	Parkersburg.
DAVIS, JOHN J., ...	Clarksburg.
HIGGINBOTHAM, C. C., ...	Buckhannon.
HUTCHINSON, JOHN A., ...	Parkersburg.
KNIGHT, EDWARD B., ...	Charleston.
SOMMERVILLE, J. B., ...	Wheeling.
VAN WINKLE, W. W., ...	Parkersburg.

WISCONSIN.

AUSTIN, R. A., ...	Milwaukee.
BARBER, CHARLES, ...	Oshkosh.
BASHFORD, R. M., ...	Madison.
BENNETT, JOHN R., ...	Janesville.
BIRD, GEORGE W., ...	Madison.
BLEEKMAN, A. E., ...	La Crosse.
BRAGG, EDWARD S., ...	Fond du Lac.
BUSHNELL, ALLEN R., ...	Lancaster.
CARY, ALFRED L., ...	Milwaukee.
CARY, JOHN W., ...	Milwaukee.
CLEMENTSON, GEORGE, ...	Lancaster.
COTZHAUSEN, F. W., ...	Milwaukee.
ESTABROOK, C. E., ...	Madison.
FAIRCHILD, H. O., ...	Mariette.
FELKER, CHARLES W., ...	Oshkosh.
FISH, JOHN T., ...	Milwaukee.
FLANDERS, JAMES G., ...	Milwaukee.
GILSON, N. S., ...	Fond du Lac.
GREGORY, CHARLES N., ...	Madison.
GREGORY, J. C., ...	Madison.
GRENNE, GEORGE G., ...	Green Bay.
HOWARD, SAMUEL, ...	Milwaukee.
HOYT, FRANK M., ...	Milwaukee.

WISCONSIN.—Continued.

HUDD, THOMAS R.,	Green Bay.
HURLEY, M. A.,	Wausau.
HYZER, EDWARD M.,	Janesville.
JACKSON, A. A.,	Janesville.
JEFFRIES, MALCOLM G.,	Janesville.
JENKINS, JAMES G.,	Milwaukee.
JONES, BURR W.,	Madison.
LEE, CHARLES H.,	Racine.
LEWIS, H. M.,	Madison.
MALLORY, JAMES A.,	Milwaukee.
MALONE, BOOTH M.,	Beloit.
MILLER, B. K.,	Milwaukee.
MILLER, B. K., JR.,	Milwaukee.
MCBRIDE, J. R.,	Neilsville.
ORTON, PHILO A.,	Darlington.
PALMER, H. L.,	Milwaukee.
PINNEY, SILAS U.,	Madison.
REED, MYRON,	West Superior.
RING, M. C.,	Neilsville.
ROSE, D. S.,	Milwaukee.
SALE, JOHN W.,	Janesville.
SANBORN, A. L.,	Madison.
SCHLEY, BRADLEY G.,	Milwaukee.
SEAMAN, WILLIAM H.,	Sheboygan.
SHEPARD, CHARLES E.,	Milwaukee.
SILVERTHORN, W. C.,	Wausau.
SMITH, E. P.,	Milwaukee.
SPOONER, JOHN C.,	Hudson.
STEVENS, BREESE J.,	Madison.
VROMAN, CHARLES E.,	Green Bay.
WEBSTER, W. H.,	Oconto.
WEGG, DAVID S.,	Milwaukee.
WIGMAN, J. H. M.,	Green Bay.
WINANS, JOHN,	Janesville.
WINKLER, FREDERICK C.,	Milwaukee.

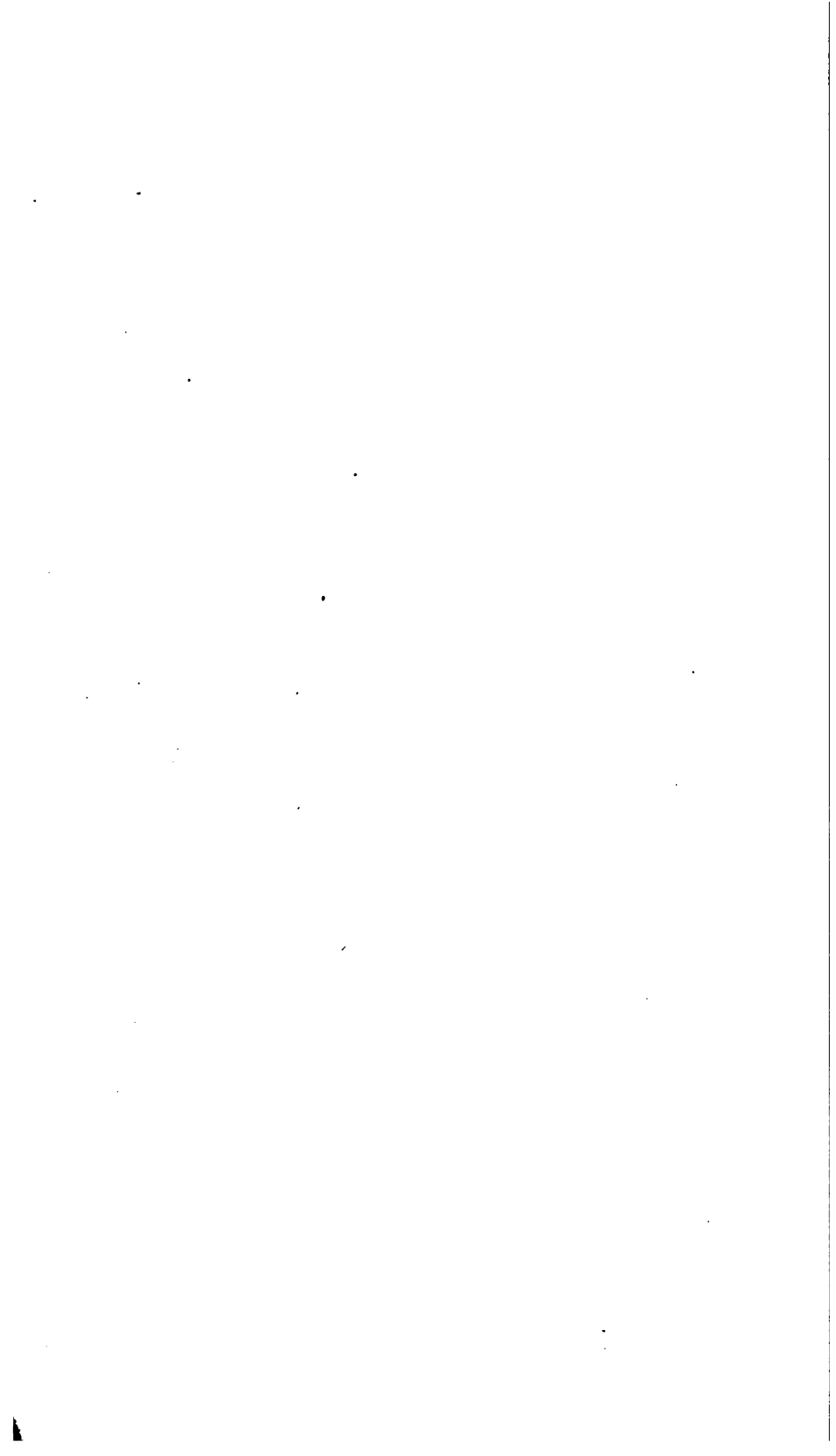
WYOMING.

HEBARD, FREDERIC S.,	Cheyenne.
VAN DEVANTER, WILLIS,	Cheyenne.

RECAPITULATION.

STATES.	NO. OF MEMBERS.	STATES.	NO. OF MEMBERS.
Alabama, ...	12	Montana, ...	5
Arkansas, ...	10	Nebraska, ...	8
California, ...	18	New Hampshire, ...	11
Colorado, ...	1	New Jersey, ...	27
Connecticut, ...	15	New Mexico, ...	1
Delaware, ...	13	New York, ...	108
District of Columbia, ...	46	North Carolina, ...	2
Florida, ...	3	Ohio, ...	40
Georgia, ...	40	Oregon, ...	1
Illinois, ...	113	Pennsylvania, ...	91
Indiana, ...	14	Rhode Island, ...	7
Iowa, ...	14	South Carolina, ...	20
Kansas, ...	8	South Dakota, ...	1
Kentucky, ...	10	Tennessee, ...	26
Louisiana, ...	27	Texas, ...	3
Maine, ...	11	Vermont, ...	9
Maryland, ...	27	Virginia, ...	19
Massachusetts, ...	42	West Virginia, ...	9
Michigan, ...	28	Wisconsin, ...	58
Minnesota, ...	20	Wyoming, ...	2
Mississippi, ...	7		
Missouri, ...	35	Total, ...	962

APPENDIX.



ADDRESS
OF
DAVID DUDLEY FIELD,
OF NEW YORK,
PRESIDENT OF THE ASSOCIATION.

Gentlemen of the American Bar Association:

Thirty years ago it was my fortune, at the opening of the law school of the University of Chicago, to deliver an address on the "Magnitude and Importance of Legal Science." What was then a city of great expectations has grown, in the lapse of a generation, to be a city of great realities; and the queen of the inland seas already dreams of rivaling in wealth and luxury the queen of the outer ocean. The school whose beginning we then celebrated has flourished beside the city and in its arms. I beg now to salute them both with my sincerest homage.

Your constitution makes it the duty of the president to open each annual meeting with an address, mentioning the most noteworthy changes in statute law on points of general interest, enacted in the several states and by Congress during the preceding year. My first endeavor, therefore, will be to perform this duty. Of the forty-two states and five territories, all but eight have changed the sessions of their legislatures from annual to biennial, and of the biennial sessions five have not been held this year. Of sessions annual and biennial there have been forty-two during the year, and from these have proceeded altogether about ten thousand laws, while Congress

has enacted five hundred and seventeen more. The task of examining all these has been very great; so great, indeed, that I should have been appalled by it, had not two gentlemen of the bar, Mr. Howard Payson Wilds and Mr. Walter George Smith, kindly come to my assistance. The summary which they have enabled me to furnish will, I think, be found sufficiently minute for the information you desire.

It is worthy of remark that in all this multitude of enactments, there are few, very few, indeed, of general interest, among the most noticeable of which are those which aim at ballot reform and the suppression or regulation of corporate trusts. With these and a few other exceptions the enormous mass of enactments, which fill the pages of these statute books, contains only matters of local interest.

From this general view, it might, perhaps, be inferred that the change from annual to biennial sessions was a wise one. I do not think so. It does not appear to me an encouraging sign for republican government. It is a bad omen when there is fomented, as there is now, a general disrespect for legislatures. Shall it ever be said that the disuse of representative institutions, which neither the craft of princes nor the strength of armies was able to accomplish in the old world, the abuse of such institutions has accomplished in the new? Annual parliaments have been the demand of the people under monarchical governments from time immemorial. Is there less reason for frequent meetings of the representatives of the people under these governments which we say "are of the people, by the people, and for the people"? Biennial sessions of the legislatures will not lessen the evil of too many special privileges granted, but will intensify it. The remedy lies in limiting the scope rather than the frequency of legislation. To allow legislators to deal with all the subjects with which they now deal, but to give them less time for the task, is but to compress within a smaller space the elemental fires which, when too much compressed, will sooner or later explode the whole fabric. We want annual legislatures

to watch and check the other departments of the government, as well as to make the laws. If it were true that we were able no longer to elect honest representatives, then, indeed, it would be true that we were no longer fit to govern ourselves. But neither supposition is a true one. The upright citizens, they who desire honest government, are an immense majority of the American people; the politicians are a timorous set, who will cower and run the moment they hear the growl of the multitude. It is our own supineness that has begotten the wish for biennial, instead of annual, sessions of the representatives of the people. The biennial session is, therefore, in my judgment, a movement backward in the march of free government.

CONGRESS.

The following acts of the second session of the Fiftieth Congress, make noteworthy changes in existing laws:

Chapter 113. Act to abolish Circuit Court powers of certain District Courts of the United States: Establishes a Circuit Court in and for the Western District of Arkansas, for the Northern District of Mississippi, and for the Western District of South Carolina, respectively, as said districts are now constituted by law, with same jurisdiction as is or may be conferred by law on other Circuit Courts of the United States, the Circuit Court powers heretofore possessed by the District Courts of these districts being abolished.

By the same act: The right of appeal to the Supreme Court of the United States is given the defendant in all cases of conviction of crime the punishment of which is death, tried before any court of the United States. A writ of error is to be allowed as of right, and without security. Every such writ shall operate as a stay of proceedings, and the court shall advance such writ to a speedy hearing on motion of either party.

Chapter 120: The carnal and unlawful knowledge of any female under the age of sixteen years, within the jurisdiction of the United States, is made a felony, punishable by fifteen years' imprisonment for the first offence and not more than thirty years for each subsequent one.

Chapter 122: The department of agriculture is made an executive department, and its head entitled Secretary of Agriculture.

Chapter 180, provides for the division of the Territory of Dakota into two states, North and South Dakota, and for the admission of Montana and Washington territories as states; and establishes Circuit and District Courts of the United States, those of North and South Dakota to be attached to the Eighth Judicial Circuit, those of Montana and Washington to the Ninth Judicial Circuit.

Chapter 236, provides for writs of error on appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below, without reference to the amount of the judgment, but where not more than \$5,000 is involved, only the question of jurisdiction to be reviewed.

Chapter 319, elaborate provision is made for taking the eleventh and subsequent censuses of the United States. and the work entrusted to an office of the Department of the Interior to be denominated the census office, under the management of a superintendent of census, to be appointed by the President, by and with the consent of the Senate. Section 25, repeals the act for the taking of the tenth and subsequent censuses, of March 3, 1889, and provides that the required enumeration shall commence the first Monday of June, 1890, and the returns be forwarded on or before July 1, 1890.

Chapter 333, establishes a United States Court in the Indian Territory, having exclusive jurisdiction over offences against the laws of the United States, not punishable by death, or by imprisonment at hard labor, and all

civil cases between citizens of the United States, but not over controversies between persons of Indian blood only.

Chapter 381; all public lands of the United States, except those in the state of Missouri, are withdrawn from public entry.

Chapter 382, makes extensive amendments in the act to regulate the commerce known as the Inter-State Commerce Law, of February 4, 1887.

Chapter 392, provides for the compilation of the laws of the District of Columbia, including the acts of the second session of the fiftieth Congress.

Chapter 393, amends Section 5480 of the Revised Statutes for the punishment of dealers and pretended dealers in counterfeit money and other fraudulent devices for using the mails.

I proceed now to the states and territories. The statutes of Georgia, Michigan and Idaho I have not been able to obtain. The legislature of Washington does not begin its session until December.

ALABAMA.

The general assembly of Alabama convened on November 3, 1888, and adjourned on February 28, 1889. There were passed six hundred and sixteen acts and seven joint resolutions; of these about one hundred and forty acts were of a public or general character.

Among those of general interest and importance may be named:

(1.) An act in relation to criminal insane persons, who are charged by indictment with murder and other high crimes, making insanity a special plea, and placing the burden of proof as to irresponsibility upon the accused; and providing for the custody of criminal lunatics.

(2.) An act which provides that in cases of conviction of larceny, obtaining property by false pretences, and embezzlement, the value of the property, unless returned, is required to be assessed, and added to the costs, to be paid by the convict working it out after expiration of remainder of his sentence.

ARIZONA.

The fifteenth legislative assembly of the territory of Arizona began on January 21, 1889.

There were sixty-three acts, two joint resolutions, and fifteen memorials; of which of general interest and importance may be mentioned:

(1.) An act as to qualifications of electors, which provides: Every male citizen of the United States, and every male citizen of Mexico, who elected to become a citizen of the United States under the treaty at Quintero, on the 30th day of May, 1848, and the Gadsden treaty of 1854, of the age of twenty-one years, a resident of the territory six months next preceding the election, and of the county or precinct in which he claims his vote, ten days, and whose name is enrolled on the great register of such county, shall be entitled to vote at all elections which are now or may be hereafter authorized by law.

(2.) An act provides, as to qualifications of persons elected or appointed to office: "That no person who cannot read and write in the English language shall be eligible to hold any territorial, county, precinct or district office in the territory of Arizona, whether the same be elective or appointive, and no certificate of election or commission shall issue to persons so disqualified." And the board of supervisors shall be judge of the qualifications as to county, precinct or district officers or deputies; and the Governor as to territorial officers.

(3.) An act provides, as to qualifications of officers, employees and servants of public institutions: That no person shall be eligible to any office, employment or service in any public institution,—the compensation or salary of which is paid out of funds raised by taxation of the people,—whether by election, appointment or contract, unless before said election, appointment or contract he shall be or have become a citizen of the United States.

(4.) An act prohibits persons holding shares of stock of incorporated companies as security for money loaned thereon, as security for other indebtedness, from voting at any election, general or special, of such incorporated companies, and gives the absolute right to vote and represent all stock to the person or persons who deposit or transfer such stock as security for any such indebtedness, and any vote, cast by any person or persons holding shares of stock in any incorporated company as aforesaid as security as hereinbefore described, shall be absolutely void and of no effect.

ARKANSAS.

The general assembly of Arkansas began on January 13, 1889, and adjourned on April 3, 1889, enacted one hundred and seventeen public laws, six private acts, and eighteen joint resolutions, of which may be mentioned as of general interest and importance:

(1.) An act which limits the time for bringing suits on mortgages, by providing that in suits to foreclose or enforce mortgages or deeds of trust, it shall be sufficient defence that they have not been brought within the period of limitation prescribed by law for a suit on the debt or liability for the security of which they were given; *Provided*, That any payment made on such indebtedness shall not revive the debt or extend the operation of the statute of limitations, so far as affects rights of third parties, unless the mortgagee, trustee, or beneficiary shall, prior to expiration of the period of limitation, endorse such payment with date thereof on the margin of the record where such instrument is recorded, attested and dated by the clerk. In all cases in existing mortgages where the debt or liability would be barred by this act, or in less than one year, the party in whose favor said debt or liability exists shall be allowed one year from the date of the passage of this act to bring an action to enforce the same.

(2.) Railroad companies are required to furnish double-decked cars for the shipping of sheep and hogs, and to charge therefor not exceeding one-fifth more than they would charge for a car load of other stock.

(3.) An act to encourage good behavior on the part of convicts, provides for a commutation for exemplary behavior of one month for the first year, two months for the second year, three months for the third year and each succeeding year until the tenth year is reached, and thereafter six months for each succeeding year; said commutation to be cumulative. But escape, or attempt to escape, forfeits the commuted period. A correction for as many as three times loses a month's commutation.

(4.) Railroad companies are authorized to lease or sell out their roads to other connecting companies, whether incorporated in the state or not; but not to companies operating parallel lines of road. Two-thirds of the stock must, however, previously assent to such lease or sale. The non-resident purchasing company is required to file a certified copy of its articles of incorporation, with a map and profile of its proposed line, with the secretary of state, before it may avail itself of the benefits of the act.

(5.) An act imposes the same liability upon a purchasing railroad company, for the debts of the purchased road, as existed against the selling company.

(6.) An act as to insurance provides that a fire insurance policy, in case of a total loss by fire of property insured, shall be held and considered to be a liquidated demand against the company for the full amount of such policy, excepting as to personal property.

(7.) An act regulates the sale of liquors to minors, and provides that any person who shall sell or give away, either for himself or another, or be interested in the sale or giving away of any ardent, vinous, malt, or fermented liquors, or any compound or preparation thereof called tonics, bitters or medicated whisky to any minor, without the written consent

order of the parent or guardian, shall be deemed guilty of a misdemeanor, and liable to a fine of from fifty to one hundred dollars.

(8.) An act to protect passengers on railroads from fraud, imposition or annoyance, empowers all persons who own or operate railroads in this state to do and perform all acts and things which may be necessary to protect passengers on their cars from all acts of fraud, imposition or annoyance, which are attempted or perpetrated while said passengers are on said cars.

CALIFORNIA.

The twenty-eighth session of the legislature of California began on January 7, 1889, and ended on March 16, 1889, and enacted two hundred and ninety statutes and twenty-six joint resolutions, of which may be mentioned as of general interest, the following :

(1.) An act to regulate the hours of labor and employment of minors ; notice of hours to be posted, and penalty for non-compliance with law to be \$250.

(2.) An act in amendment of the political code, relating to the counting of ballots at elections, and ascertaining, recording and returning the results thereof ; and providing that tickets be strong and inclosed in sealed envelopes indorsed across the seal by each member of the board with his name.

(3.) An act, amending the act of March 7, 1878, to prevent the circulation of bogus election tickets, and to prevent frauds upon voters.

(4.) An act amending the political code, in relation to election tickets and ballots.

(5.) An act amending the political code, relating to elections.

(6.) Concurrent resolution, requesting Congress to continue in force the act of 1888, relating to the Chinese, and praying for additional legislation.

(7.) Resolution relative to the organization of a naval militia force under the control of government.

COLORADO.

The seventh general assembly of Colorado convened on January 2, 1889, and enacted two hundred and twenty laws, of which may be mentioned as of general interest and importance:

(1.) An act to establish arbor day, designating as such the third Friday of April in each year.

(2.) An act to restore and reproduce public records destroyed by fire or otherwise, and to remedy the evils consequent upon the destruction of the same.

(3.) An act relative to the time, place and manner of infliction of the death penalty; and to provide means for the infliction of such penalty, and making it a misdemeanor, punishable by fine and imprisonment, to disclose or publish proceedings in relation thereto; provides that the judge passing sentence of death shall designate in the warrant of conviction a week of time within which such sentence shall be executed, not less than two nor more than four weeks from the day of passing sentence; the particular day and hour of the execution shall be fixed by the warden of the state penitentiary, and shall be by him kept secret. All persons present at such execution shall keep whatever may transpire thereat secret and inviolate, save and except the facts certified to by them. No account of the details of any such execution, beyond the statement of the fact that such convict was on the day in question duly executed according to law at the state penitentiary, shall in any manner be published in this state.

(4.) An act in relation to convicts confined in the penitentiary of this state, and to promote better discipline, requires the warden to furnish a convict ticket of leave, etc., ten days before his term of imprisonment expires; and if such convict leave the county in twenty-four hours, his sentence is discharged; and if he fail to perform conditions he may be rearrested.

(5.) An act to create the office of public trustee, and to provide for the appointment of such trustee by the governor, in

counties having a population of over fifty thousand inhabitants, requires such public trustee to discharge the duties of trustee or successor in trust, under and by virtue of and in accordance with any deed of trust drawn in regular form affecting real estate in the county in which said trustee shall have been appointed, and in which the said public trustee is designated as the trustee or successor in trust. *Provided*, That said trustee shall not take action in connection with nor on any deed of trust designating him as a successor in trust, without satisfactory proof that the trustee is absent from the county or refuses, or is unable, to discharge the duties of trustee. Said public trustee may also act as successor in trust under any deed of trust at the request of any person interested in the property conveyed by a deed of trust, or the debt secured thereby, upon satisfactory proof that both the trustee and the successor in trust named in such trust deed are either absent from the county or refuse, or are unable, to act in the premises, and he shall recite the fact of such absence, inability or refusal to act in his trustee's deed or deed of release.

CONNECTICUT.

The general assembly of Connecticut met on January 9, 1889, and adjourned on June 22, 1889.

Among the acts passed of general interest are the following :

Chapter 14. An act to secure minority representation in the election of certain town officers, provides that when the number of assessors, or members of the board of relief, or selectmen or constables, or grand jurors to be elected by any town at its annual meeting, shall be two, four or six, no person shall vote for more than one-half the number ; if the number to be elected be three, no person shall vote for more than two ; if the number be five, no person shall vote for more than three ; if seven, more than four. The number of persons sufficient to fill each of the wards, who have the largest number of votes shall be elected. In case of a tie, that person whose name

stands first or highest on the greater number of ballots shall be elected.

A similar act (Chapter 16), provides for the election of Justices of the Peace.

Chapter 20. The first Monday of September is made a legal holiday, to be known as "labor day."

Chapter 22 provides for disclosure in actions for legal relief by parties defendant upon motion and affidavit by the plaintiff.

Chapter 36 provides that where an absent or non-resident defendant, or his authorized agent or attorney, has had actual notice of the institution of a case twelve days before the return day thereof, or twelve days after the actual pendency thereof, the case may be proceeded with in accordance with existing law.

By Chapter 39, no *ex parte* injunction shall be granted within ten days of the day for a stockholders' meeting of any private corporation.

Chapter 60 provides a certain standard of strength for vinegar or its adulteration.

Chapter 80 forbids the sale of tobacco in any form to minors under the age of sixteen, and the use of or possession of tobacco by such minor in any public street, place or resort.

Chapter 97, amending Section 2890 of the General Statutes, provides, that any officer or director of a life insurance company consenting to an illegal instrument, shall be personally liable to the company for any loss sustained, and shall be fined not more than one thousand dollars and imprisoned not more than five years.

Chapter 98 prohibits the investment of the funds of life insurance companies in stocks or bonds of any mining or manufacturing company, or of any other private corporation which shall have passed a regular dividend, or on whose bonds a regular interest payment shall have been defaulted within three years prior to such investment; and no loan shall be made on the security of the stock of any mining company, nor of any manufacturing company whereof the market value is less than

par, unless the same be accompanied by the individual guaranty of some responsible party or by other collateral security. And amount loaned not to exceed fifty per cent. of market value of said stock.

Chapter 107 makes the agent of any foreign insurance company, not admitted to transact business in this state, personally liable on all contracts for the company.

Chapter 112 provides for a clear view from the street into bar-rooms.

Chapter 119. Owner of fowls liable to fine of seven dollars for their trespassing.

Chapter 127 declares a club-room where liquor is dispensed, in a no-license town, a common nuisance, and those maintaining it liable to fine.

Chapter 130: "No person who receives a valuable consideration for a contract, express or implied, made on Sunday, shall defend any action on such contract on the ground that it was so made, until he restores such consideration."

Chapter 134 prohibits any discrimination in life insurance contracts in favor of individuals, in amount of premiums or rates charged; provides that solicitors for companies shall have proper certificate of authority.

Chapter 148 forbids the arbitrary removal of farm crossings by railroad companies.

Chapter 180 imposes a collateral inheritance tax of five per cent. of the value of estate, above \$1,000.

Chapter 194 fixes the number of Superior Court judges at thirteen, including the judges of the Supreme Court of Errors.

Chapter 218 provides that stock or bonds of another corporation guaranteed by a railroad company shall be registered in the office of the comptroller, and limits such guaranty to an amount which, together with the outstanding bonds issued by said guaranteeing company, shall not exceed one-half the actual cost of the construction of the railroad of said company.

* * * And no railroad company shall issue its own bonds or guarantee the principal or interest of bonds or a dividend

upon stock of any other company, so long as there are outstanding and uncanceled its own bonds or the bonds or stock of another company, guaranteed, as aforesaid, to a principal amount equal to one-half the cost of said railroad company, as verified in the manner above set forth (the oath of the president and treasurer of the railroad company, and of an engineer approved by the railroad commissioners).

Chapter 220 provides a method for proceedings for the abolition of railroad grade crossings, on petition of the selectmen of any town, mayor and council of any city, etc., or the directors of any railroad company whose road crosses a highway, to the railroad commissioners, who may themselves, in the absence of such application, order such alterations in highways as they see fit.

Chapter 221 imposes a tax on express companies of five per cent. of the gross amount of all express charges derived from commerce entirely within the limits of the state, in lieu of all other taxes upon the estate of said company. In case the company fail to make returns, ten thousand dollars may be accepted in lieu of said tax.

DAKOTA.

The eighteenth legislative assembly of the territory of Dakota began on January 8, 1889, and ended March 9, 1889.

There were one hundred and thirty-three acts and six joint resolutions and memorials, of which may be noticed, as of general interest and importance:

(1.) An act prohibits the importation, sale or exposure of infected animals, under penalty of fine from fifty dollars to five hundred dollars, and in default of payment, imprisonment not exceeding twelve months, or both, such fine and imprisonment in the court's discretion.

(2.) An act as to qualification of voters, allows those to vote who are citizens, or have declared their intention to become such.

(3.) An act gives police power of a sheriff to conductors of all railway trains carrying passengers.

(4.) An act provides that excessive interest-taking is a misdemeanor.

(5.) An act relating to elevator and warehouse receipts for grain stored; to protect owners of such receipts, and defining the duties, liabilities and obligations of persons issuing the same as to delivery of grain thereupon.

(6.) An act to provide security to the public against errors, omissions and defects in abstracts of title to real estate, and regulating the fees for services.

DELAWARE.

The last legislature of Delaware enacted :

(1.) A law defining the liability of fire insurance companies, in certain cases, which goes into effect January 1, 1890; and requires the insurance company to pay the full face of the policy where property has been destroyed by fire without criminality of the owner.

(2.) An act in relation to crimes and punishments, abolishing corporal punishment for all crimes committed by women.

(3.) An act empowering taxable women to vote for members of the board of education in Wilmington.

FLORIDA.

The legislature of Florida, at its second session under the present constitution, during May and June, has been chiefly occupied with business of general importance to the state; comparatively few of the ninety-eight acts passed being of purely local interest.

(1.) An amendment to the act of 1887, for the "assessment and collection of revenue," establishes a system of licenses, embracing almost every kind of business, including "high license" for the sale of liquors, but with an exception

in favor of domestic wines sold in quantities of not less than one quart. The high tax imposed on the sale of pistols, bowie and dirk knives suggests an interesting local history.

(2.) The all-important subject of elections receives special attention. A poll-tax is established (4), and an elaborate system, covering the registration of voters and conduct of elections provided, embodying some of the features of the Australian method.

(3.) Among other acts of a highly beneficial nature, may be mentioned, that (13) providing for county Boards of Health; regulating the practice of medicine (35); for the encouragement and regulation of immigration (6 and 10); for a uniform system of county common schools and high schools (26); and (37) for establishing a state's prison and regulating the employment of convicts.

The act of June 7, 1887, for the regulation of railroads is extensively amended, and the powers of the commissioners enlarged (16). The act providing that the killing of live-stock by a railroad shall be *prima facie* evidence of negligence on the part of the company, continues in force, but is amended as to the time within which action must be brought to within twelve months (62). Owners of live stock killed by a railroad, moreover (63), are given a lien on the property and franchises of the company, inferior only to liens for labor. To atone for the severity of this legislation towards railroads, it is made a penitentiary offence to break into any car for the purpose of committing a felony or misdemeanor (64).

The time within which actions can be brought on foreign judgments is limited to seven years (54).

The revision and consolidation of the statutes of the state, will be entrusted to a commission of three (59).

Most persons will approve the amendment (72) of the act of January 12, 1866, making it a misdemeanor to persuade servants and laborers to violate contract with another.

Adoption of heirs under laws of another state validated (74).

The protection of the fisheries of the State is taken vigorously in hand (83), but a welcome saving clause will be found in favor of fish caught for individual use.

ILLINOIS.

The thirty-sixth general assembly of Illinois convened on January 9, 1889, and adjourned on May 28, 1889.

There were enacted one hundred and sixty-five acts and twenty-six joint resolutions; among which as of general interest and importance may be named:

(1.) An act to protect the labor of native and naturalized citizens, and of those who have in good faith declared their intentions to become naturalized American citizens, prohibits the employment by the state, or any county, township or municipality in the state, or any contractor or sub-contractor therefor, of any person other than native born or naturalized citizens or those who have in good faith declared their intentions to become citizens of the United States, upon or in reference to any work to be paid for wholly or in part, directly or indirectly, out of funds raised by taxation; and provides severe penalties for infraction of the law.

(2.) An act provides for the identification of habitual criminals, by requiring in every prison the warden, or other officer in charge, to record in a register for that purpose a description of every person committed to the prison under sentence for a felony; and the criminal history of every such person from the records of the courts of this or any other state, or otherwise, with a photograph or photographs of such person attached thereto. Prosecuting attorneys are required to forward to the warden or other officer in charge, upon blanks furnished by him, a criminal history of such criminal as fully as is known. The register shall not be made public, except as necessary in identification of persons accused, and in their trial for offences committed after their imprisonment for prior offence. The record shall be accessible to any officer of any court having

criminal jurisdiction, upon order of the judge or prosecuting attorney, attested by seal of court; and such record may be given in evidence upon trial of an offender indicted under the habitual criminal law, for purpose of proving a former conviction and offence. For purpose of obtaining accurate description of convicts, the Bertillion method of measurements and registration, or such other methods as shall minutely describe convicts, are authorized. A copy of the description and history and photographs of any convict entered upon such register, shall be furnished, upon request, to any warden or other officer in charge of a prison for felons in any other state of the United States: *Provided*, Such state has made provision by law for recording the description of its convicts and for furnishing such descriptions to the authorities of such other states as have made provision by law for the keeping of registers of descriptions and histories of their convicts.

(3.) An act prohibits the showing, lending, selling or giving to any minor child, or exhibiting in any place within view of any minor child, any book, magazine or printed paper devoted to publication, or principally made up, of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime; and prohibits the employment or permitting of any minor child to sell, give away or distribute such publications. Violation of this act is made a misdemeanor, punishable by fine not exceeding five hundred dollars or imprisonment not longer than six months, or both fine and imprisonment, at discretion of court.

(4.) An act provides for the appointment by the governor, with consent of the Senate, in each county in this state, and as often as any vacancies may occur, a suitable person, to be known as public guardian of such county, who shall hold his office for four years, or until his successor is appointed and qualified, who shall be appointed guardian of minors, when the ordinary guardian fails to qualify within three months of appointment; and may be required to furnish bond with sureties, or additional security from time to time, as directed by the court.

(5.) An act providing that no person shall be elected director of any bank organized under state laws, unless he own ten shares of stock of one hundred dollars each.

(6.) An act, of great length, providing for annexation of adjoining cities, towns and villages, under which Chicago has added two hundred thousand inhabitants to its population.

(7.) An act permitting incorporated companies, called trust companies, to be appointed and to act as trustee, receiver, assignee, guardian, conservator, executor or administrator, the same as natural persons.

(8.) An act provides that if a person shall obtain accommodation at any hotel, inn or boarding house with intent to defraud owner or keeper thereof, he shall be guilty of a misdemeanor and punished by a fine not to exceed one hundred dollars or imprisonment in county jail not to exceed thirty days, and the fact that a person leaves the premises without paying or offering to pay, is made *prima facie* evidence of such intent.

(9.) Three acts of considerable length in reference to accident and fire insurance companies, and an act to authorize the organization and to regulate "county mutual wind-storm insurance companies."

(10.) An act to provide for the health and safety of miners, containing many minute provisions on the subject.

(11.) An act providing that no chattel mortgage on the necessary household goods, wearing apparel or mechanics' tools of any person or family shall be foreclosed, except in a court of record. And no chattel mortgage executed by married man or woman shall be valid unless joined in by the husband or wife, as the case may be.

(12.) An act to compel the attendance at public school of children between seven and fourteen years for sixteen weeks each year, provides for the appointment of one or more truant officers in each school district, whose duties shall be to arrest children of a school-going age, who habitually haunt public places and have no lawful occupation, and also truant children who absent themselves from school without leave, and

to place them in charge of the teacher having charge of the public school which the said children are by law entitled to attend.

(13.) A complete revision of the act in reference to free public schools, covering one hundred and seven pages of the printed laws.

(14.) An act provides in regard to abduction of children, that whoever wilfully and without authority conceals or imprisons, or forcibly takes or carries or entices away any infant under the age of twelve years, without the consent of the parent, guardian or lawful custodian of such child, with intent to conceal or imprison such infant, shall, upon conviction, be imprisoned in the penitentiary for his or her natural life, or for any number of years.

(15.) An act to regulate primary elections of voluntary political associations, and to punish frauds therein. Elections for nominating candidates shall be held under this act when managing committees accept its provisions.

INDIANA.

The forty-sixth general assembly of Indiana began on January 10, 1889, passed 242 acts and resolutions, of which may be mentioned as of general interest and importance:

(1.) An act defining riotous conspiracy, and providing penalties, declares: "That if three or more persons shall unite or combine together for the purpose of doing any unlawful act in the night time, or for the purpose of doing any unlawful act while wearing white caps, masks, or being otherwise disguised, shall be deemed guilty of a riotous conspiracy, and upon conviction thereof shall be imprisoned in the State prison not more than ten years nor less than two years, and fined in any sum not exceeding two thousand dollars."

(2.) An act prohibiting contracts of waiver in certain cases and contracts by the terms of which persons agree to trade or buy of a particular person or at a particular place, shop or

store, and making it unlawful to coerce, or attempt to coerce, persons to trade or buy of any particular person, or at any particular place, shop or store, and providing penalties for violation.

(3.) An act to enable stockholders of companies, corporations or voluntary associations, formed for the purpose of furnishing fuel or illuminating gas, electric lights or water, to make agreements for voting all the stock of such company, corporation or voluntary association as a unit, and validating such agreements as have heretofore been made, and declaring an emergency.

(4.) An act to prevent the adulteration of vinegar; prohibiting the manufacture and sale of adulterated vinegar; prescribing a test for pure vinegar and how it shall be branded; prohibiting the branding of vinegar as "fruit vinegar," unless made wholly from apples, grapes or other fruit; prescribing penalties for the violation of the provisions of this act.

(5.) An act for the protection of the public health by promoting the growth and sale of healthy cattle and sheep, making it a misdemeanor to sell the same without inspection before slaughtering within this state, and to authorize cities to appoint inspectors.

(6.) An act provides as to elections, the printing and distribution of ballots at the public expense, which shall contain the names of candidates nominated by conventions of parties, as certified by their officers, and also names of candidates nominated by petition of qualified voters; together with the designations of the party or principle represented by such candidates, and cards of instructions for the guidance of electors in preparing their ballots are to be furnished at each voting place; booths or compartments in which the electors shall mark their ballots screened from observation, each containing a counter or shelf, are required to be furnished in each room provided for voting. At the opening of the polls, the packages of ballots are to be opened by the inspector; and the poll clerks are required to write their initials, in ink, on the

lower left-hand corner of the back of each of said ballots, in their ordinary handwriting, without any distinguishing mark. One challenger and one poll-book holder appointed and designated by each party organization, are permitted at each voting place. When a voter shall have been passed by the challengers, or shall have been sworn in, he shall be admitted to the election-room; *Provided*, that not more than three voters shall be allowed in the room at one time. On entering the room the voter shall announce his name to the poll clerks, who shall register it. The clerk holding the ballots shall deliver to him one state and one local ballot, and the other clerk shall thereupon deliver to him a stamp, and both poll clerks, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the Board, an interpreter may be called. The voter shall then, without leaving the room, go alone into any of the unoccupied booths, and indicate the candidates for whom he desires to vote by stamping the square immediately preceding their names; and then and there fold his ballots separately, so that no part of the faces thereof shall be exposed, and so that the initials of the poll clerks shall be exposed, and return the stamp to the poll clerk and deliver the ballots to the inspector, who shall forthwith, in the presence of the voter and of the election board, deposit the same in the respective ballot-boxes, and the ballot clerks shall write the word "voted" after the name of the voter on the poll-lists: *Provided, however*, That if any elector shall show his ballot, or any part thereof, to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot-box. A minute of such occurrence shall be made on the poll-list, and such person shall not be allowed to vote thereafter. The voter shall then leave the room, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballots or returning them to the poll clerk, or without returning the stamp to the poll clerk from whom he

received it. A mutilated ballot may be returned to the poll clerks, and shall be immediately destroyed, and another delivered in its place, and a minute of the fact made upon the poll-list. Any voter may have the assistance of the poll clerks in preparing his ballot, upon declaring his disability or inability to read. No ballot shall be deposited in the ballot-box upon which the initials of the poll clerks do not appear, nor any ballot on which appears externally any distinguishing mark, defacement or mutilation ; and if deposited shall not be counted in the canvass of votes ; and any ballot or part of a ballot from which the elector's choice of candidates cannot be determined shall not be counted as to the candidates affected. Immediately on closing the polls, the board shall count all the ballots remaining unvoted, record the number of the same on the tally-sheets, and destroy all of such ballots by totally consuming by fire. Various violations of this act are punishable by fine and imprisonment, and disfranchisement for any determinate period not less than ten years.

(7.) An act to maintain political purity, declares that any candidate for nomination or for office, or other person who loans or gives, or promises to loan or give, any money or other thing of value to any delegate or elector, or any other person, for the purpose of securing the vote or influence of such delegate, elector or person for his nomination, or election, or to induce such elector to refrain from working for any other candidate, or to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, shall be fined, disfranchised, and rendered incapable of holding any office of trust or profit for any determinate period. And ballot-box breaking, and adding to or abstraction of ballots and alteration of poll-books, is punished in the same manner.

(8.) An act to secure the purity and freedom of the ballot, provides that whoever hires or buys, directly or indirectly, or handles any money or other means knowing the same is to be used to induce, hire or buy any person to vote or refrain from voting any ticket or for any candidate for any office at any

election held pursuant to law, or at any primary election or convention of any political party, and all persons aiding or advising such acts shall be liable jointly and severally to the person hired, bought, or induced to vote or refrain from voting in the sum of three hundred dollars, and reasonable attorney's fees for collecting the same in an action to be brought on the relation of the voter in whose favor the liability is created by this law.

(9.) An act concerning the death penalty, prescribing the time, place and manner of inflicting the same, defining who shall be the executioner, and the duties of various officers in connection therewith, and declaring an emergency.

(10.) An act making it unlawful to give, barter or sell tobacco to certain children, or to others for their use, or to induce said children to use the same, and providing penalties for the violation thereof.

(11.) An act regulating insurance companies organized under the laws of any other state or any foreign country, transacting the business of insuring plate glass in this state, and declaring an emergency.

(12.) An act to prohibit any person, firm, corporation, company or voluntary association, organized under the laws of this state or any other state, from piping or otherwise conveying from any point or points in this state to any point or points without the state of Indiana any natural gas or petroleum; to prevent the waste of natural gas; to require the owners of wells in certain cases to secure by closing and stopping the same; providing penalties for the violation of this act, and declaring an emergency.

(13.) An act for the protection of discharged employees and to prevent blacklisting, provides that any person, agent, company or corporation preventing or attempting to prevent a discharged employee from obtaining employment from another shall be guilty of a misdemeanor, punishable by fine from one hundred dollars to five hundred dollars, and liable in a civil action in penal damages to such discharged person; but this

shall not prevent a truthful statement of reasons for discharge. And any company or partnership blacklisting any discharged employee or attempting to prevent any employee obtaining other employment shall be liable in treble damages to such employee.

KANSAS.

The twenty-third regular and sixth biennial session of the legislature of Kansas began on January 8, 1889, and ended on March 4, 1889.

There were passed two hundred and seventy-one acts and fifteen resolutions; of which of general interest and importance may be named:

(1.) An act regulates the recording of title notes or evidences of conditional sales, and provides that all instruments or promissory notes evidencing conditional sale of personal property and that retains title in the vendor until payment of purchase price shall be void as against innocent purchasers, or creditors of the vendee, unless the original instrument or a copy is deposited in the register's office in the county where the property is; and when so deposited shall be subject to law as to filing of chattel mortgages; and any conditional verbal sale of personal property reserving to vendor any title in property sold shall be void as to creditors and innocent purchasers for value.

(2.) An act prohibits the selling, giving or furnishing of any cigar, cigarette, or tobacco in any form, or opium; or, except upon a physician's prescription, any other narcotic in any form, to any minor under sixteen years of age; violation of the act is made a misdemeanor, punishable by fine not exceeding twenty-five dollars for each offence.

Similar laws restraining the sale or furnishing tobacco to a minor, or for a minor's use, have been enacted by Indiana, Pennsylvania, Vermont, and Connecticut; and by Arkansas, as to minors under fifteen years, and by Oregon and Nevada, as to minors under eighteen years.

(3.) An act for the protection of records, and regulating the business of abstracting or examination of titles to real estate, requires a bond in the sum of five thousand dollars from every person engaged in the business. Any person, firm or corporation who shall engage in the business of abstracting, or make abstracts of title for any one, except on their own property, or as a legally-constituted attorney for another person, without first having executed and filed the said bond, shall be refused the use of the records by the officer having the custody thereof, and shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not exceeding one hundred dollars for each offence.

(4.) An act provides in regard to trusts and combinations in restraint of trade and products: That all arrangements, contracts, agreements, trusts or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation or sale of articles imported into this state, or in the product, manufacture or sale of articles of domestic growth or product of domestic raw material, or for the loan or use of money, or to fix attorneys' or doctors' fees, and all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price or the cost to the producer or to the consumer of any such products or articles, or to control the cost or rate of insurance, or which tend to advance or control the rate of interest for the loan or use of money to the borrower, or any other services, are hereby declared to be against public policy, unlawful, and void. It shall not be lawful for any corporation to issue or to own trust certificates, other than the regularly and lawfully authorized stock thereof, or for any corporation, agent, officer or employees, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to

place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use, or consumption, or to prevent, restrict or diminish the manufacture or output of any such article. All persons entering into, or who attempt to carry out or act under any such arrangement, contract, agreement, trust or combination in any capacity whatever, are declared guilty of a misdemeanor, and subject to fine from one hundred dollars to one thousand dollars, and imprisonment from thirty days to six months. Any person or corporation injured by such arrangement, contract, agreement, trust or combination may sue for and recover of any person or corporation the full consideration or sum paid for any articles included in or controlled or advanced in price by said corporation, or the full amount of money so borrowed. And it shall be lawful in defense of any action to plead in bar or abatement, that the plaintiff, or any person interested in prosecution of the case, is a member or agent of such an unlawful combination, or that the cause of action grows out of such combination or some business or transaction thereof. And the purchase, sale or manufacture of any articles in this state, by any person or corporation, directly or through an agent or attorney, who has entered into any such arrangements, contracts, agreements, trusts, or combinations in any other state or territory, is declared a violation of this act. Failure of county attorneys to prosecute, and of sheriffs and other officers having knowledge to give notice of violations of this act, is made a misdemeanor, punishable by fine and imprisonment and forfeiture of office. And grand jurors are to be especially instructed as to this law.

(5.) An act to provide for and regulate the registration of voters; to regulate elections, and to provide for the appointment of a commissioner of elections in certain cities of the first class.

(6.) An act to prevent the writing of fire insurance policies by non-resident agents of authorized fire insurance companies,

and to prohibit the superintendent of insurance from issuing a license to non-resident agents to write and issue policies of fire insurance on property in the state of Kansas.

MAINE.

The sixty-fourth legislature of Maine, at the session of 1889, enacted one hundred and sixty-four public laws, two hundred and seventy private and special laws, and one hundred and twenty-six resolves, of which may be mentioned as of general interest and importance :

(1.) An act regulates the heating and lighting of passenger, mail and baggage cars—similar to the New Hampshire statute of 1887—requiring that the method, or the use of any furnace or heater shall first have been approved in writing by the Board of Railroad Commissioners ; *Provided, however*, that in no event shall a common stove be allowed in any such car ; and prohibiting the lighting of passenger cars by naphtha ; under penalty of five hundred dollars.

Vermont has adopted a like law, but without specifying a penalty for violation ; and with a provision allowing the heating of cars by steam from the engines.

(2.) An act to prevent fraud in the sale of lard, enacts that no person shall sell, deliver, prepare, put up, expose or offer for sale any lard, or any article intended for use as lard, which contains any ingredient but the pure fat of swine, under any label bearing the words pure, refined, family, or either of them, unless the vessel, wrapper or label bears in letters not less than one-half inch in length and plainly exposed to view, the words "compound lard." Violations of this act are punishable by fine of fifty dollars, to the use of any person suing therefor.

Illinois has enacted a similar law, where violation is made a misdemeanor, punishable by fine, from twenty dollars to two hundred dollars, to be divided between the school fund and the informer.

(3.) An act to prevent the formation of trusts or combinations contrary to public policy, provides: it shall be unlawful for any firm, company, incorporated or unincorporated, or association of persons or stockholders organized for the purpose of manufacturing, producing, refining, or mining any article or product which enters into general use and consumption by the people, to form or organize any trust, or to enter into any combination or association, or to delegate to any one or more board or boards of trustees or directors the power to conduct and direct the business of the whole number of firms, corporations, companies or associations which may have or which may propose to form a trust, combination or association inconsistent with the provisions of this section and contrary to public policy. No certificate of stock, or other evidence of interest, in any such trust, combination or association, shall have legal recognition in any court, and any deed to real estate given for purpose of becoming interested in such trust, combination or association, or any mortgage given by the latter to the seller, as well as all certificates growing out of such transaction, shall be void. Being connected with any such trust, combination or association, is made a misdemeanor subject to a fine not less than five nor more than ten thousand dollars.

The secretary of state is required to forward a copy of this act, and letter of inquiry, to interested corporations, as to whether said corporation has merged all or any of its business or interests in or with any such trust, combination or association of persons or stockholders; and to require an answer under oath of the president, secretary, treasurer or directors; and on neglect or refusal to make such answer, the attorney-general is required to take proceedings for dissolution of such corporation; and its rights and powers shall be terminated.

(4.) An act prohibits peddling, except of certain articles, without license; and authorizes the secretary of state to grant a license to any citizen of the United States, certified by the

mayor of a city, or majority of selectmen of a town to be of good moral character; but such license shall be granted to no other person. The mayor or selectmen before granting such certificate, shall require the applicant to make oath, that he is the person named therein and that he is a citizen of the United States.

(5.) An act to prevent the sale of votes provides, that whoever shall offer, or promise, or agree to receive any money or other valuable consideration for giving in his vote at any election held under the provisions of the constitution or of the fourth chapter of the revised statutes of this state, and shall, in accordance with such offer, promise, or agreement, give in his vote at such election, shall be fined not more than one hundred dollars, or imprisoned not more than one year, and shall be excluded from the right of suffrage for a term of ten year. And copies of this act shall be posted in all voting precincts in conspicuous places.

(6.) An act in relation to the employment of labor, provides: Whoever, by threats, intimidation or force, alone or in combination with others, prevents any person from entering into or continuing in the employment of any person, firm or corporation, shall be punished by imprisonment not more than two years, or by fine not exceeding five hundred dollars.

(7.) An act provides: Any foreign corporation doing business continuously in this state, and having constantly an officer or agent resident herein, on whom service of any process may be made, shall be entitled to the benefit of all provisions of law relating to limitation of actions the same as domestic corporations.

(8.) An act provides that no savings bank, mortgage, loan, trust or banking company, association or institution, incorporated under the laws of this state, or of any other state and doing business in this state, shall act or do business as administrator or guardian, anything in their charter to the contrary notwithstanding.

(9.) An act relating to the descent of real estate.

(10.) An act relating to the distribution of the property of deceased persons.

(11.) An act relating to life and casualty insurance on the assessment plan.

(12.) An act to prevent the adulteration of wheat meal.

(13.) An act requiring foreign corporations engaged in selling bonds, mortgages, etc., to send to the bank examiner a detailed statement of their condition.

(14.) An act to authorize the payment of checks, demand drafts and savings orders in case of the death of the drawer before payment.

MASSACHUSETTS.

The legislature of Massachusetts at the session of 1889 passed four hundred and seventy-three acts, and numerous resolves, of which may be mentioned as of general interest and importance:

(1.) An act provides concerning the property of married women, that the real and personal property of a woman shall upon her marriage remain her separate property, and a married woman may receive, receipt for, hold, manage and dispose of property, real and personal, in the same manner as if she were sole, except that she shall not without the written consent of her husband destroy or impair his tenancy by the curtesy in her real estate or his tenancy for life in one-half her real estate in case the husband and wife have had no issue born alive which might have inherited such estate.

(2.) An act permits a divorce from the bond of matrimony to be decreed for gross and confirmed drunkenness caused by the voluntary and excessive use of opium or other drugs.

(3.) An act requires every person or corporation which owns or manages any foreign vessel running or advertised to run to any port in this commonwealth, to file in the office of the commissioner of corporations a true copy of the register of such vessel and a list of the names of the owners thereof, authenticated by the oath of the person filing the same; and

whenever such register or owners shall be changed such person or corporation shall file a true copy of the new register and a new list of the owners, authenticated as aforesaid, within thirty days from the making of such change, under penalty of a fine not exceeding five hundred dollars.

(4.) An act provides for damages for sale of intoxicating liquors to minors. Whoever, by himself or his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent or any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offence, to be recovered by the parent or guardian of such minor in an action of tort. Actions and suits for penalties and forfeitures under this section shall be commenced within two years after the offence is committed and not afterwards. But this act is not to apply to sales made upon written prescription of a practicing physician.

(5.) An act making numerous amendments to the act of 1888, provides for printing and distributing all ballots at the public expense; and regulates voting at all elections after November 1, 1889, as follows: Any convention of delegates and any caucus or meeting of qualified voters, by certificates of nomination, and individual voters by nomination papers, may nominate candidates for public office, whose names shall be placed upon the ballots. Ballots shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made, together with their party or political designation; and shall be so printed as to give each voter a clear opportunity to designate by a cross mark [X] in a sufficient margin his choice of candidates, and his answer to any questions submitted; on the back and outside, when folded, shall be printed "official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a *fac simile* of the signature of the secretary of the commonwealth or city clerk who has caused the ballot to be printed. All ballots when printed shall be

folded and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the secretary of the commonwealth and the several city clerks. Instructions for the guidance of voters at elections, as to obtaining ballots, manner of marking them, and method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, shall be furnished with the ballots. The officers in each city or town whose duty it is to designate and appoint polling places therein shall cause the same to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others. Any qualified voter, on entering the space enclosed for voting, shall receive one ballot from the clerk, and forthwith, without leaving the enclosed space, retire alone to one of the voting shelves or compartments, and shall prepare his ballot by marking in the appropriate margin or place a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross [X] opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate margin or place a cross [X] against the answer which he desires to give; and shall fold his ballot, without displaying the marks thereon, and vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others one at a time, not exceeding three in all, upon returning each spoiled one. The ballots

thus returned shall be immediately cancelled, and together with those not distributed to the voters shall be preserved; and with the check-list used by the ballot clerks, which shall be certified by them to be such, shall be secured in an envelope, sealed, and sent to the several city and town clerks. Any voter who declares he cannot read, or by other disability is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof; and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. And penalties for various violations of this act are provided.

(6.) Resolution provides for amendments to the constitution, which, if agreed to by the next legislature, must be submitted to the people for their ratification or rejection, relative to soldiers and sailors exercising the right of franchise; and to prevent disfranchisement of voters because of change of residence within the commonwealth; and with regard to disfranchisement of voters as punishment for crime.

(7.) A resolution provides for submitting to the people, for their ratification and adoption, the Article of Amendment of the Constitution, forbidding the manufacture and sale of intoxicating liquors to be used as a beverage, and authorizing suitable legislation to enforce this provision.

(8.) An act provides for the supervision, by a commission, of foreign corporations engaged in selling bonds, notes or mortgages.

(9.) An act requires non-resident assignees in insolvency to appoint an agent resident in this state.

(10.) An act authorizes courts to allow trustees to mortgage real estate to pay for permanent improvements.

(11.) An act provides that where a possible condition, restriction, reservation or agreement, in regard to real estate, made more than thirty years prior to proceedings, appears of record, anyone having freehold interest, or possibility of such interest, may upon petition have a determination of the nature and validity of the incumbrance, against those adversely interested.

(12.) An act makes the probate of a will or determination of intestacy conclusive after two years in favor of *bona fide* purchasers for value without notice from devisees, legatees, heirs, executors, administrators and guardians, and in favor of executors, administrators, trustees and guardians who have settled their accounts and made payments in good faith.

MINNESOTA.

The legislature of the state of Minnesota, commencing January 8, 1889, and terminating April 23, 1889, enacted two hundred and ninety general laws and six resolutions, of which may be mentioned as of general interest and importance:

(1.) An act proposing an amendment to the constitution so as to authorize the legislature to provide that an agreement of five-sixths of any jury in any civil action or proceeding after not less than six hours' deliberation shall be a sufficient verdict therein.

(2.) An act relating to elections in cities of ten thousand (10,000) inhabitants and over, applying the essential features of the so-called Australian system.

(3.) An act providing the mode of inflicting the punishment of death, the manner in which the same shall be carried into effect, and declaring a violation of any of the provisions of this act to be a misdemeanor,—declares who may be present at the execution, but that in no case shall a newspaper reporter or representative be admitted; and no account of the

details of such execution, beyond the statement of the fact that such convict was on the day in question duly executed according to law, shall be published in any newspaper.

(4.) An act to establish a probate code contains provisions respecting the jurisdiction of the court; wills and the probate thereof; title to real property by descent; administration and distribution of estates of intestates; inventory and collection of the effects of deceased persons; claims; payment of debts and legacies; guardians and wards; sales of lands by executors, administrators and guardians; conveyances of real estate by executors, administrators and guardians in certain cases; settlement of executors' and administrators' accounts and assignment of the residue of the estate; partition of real and personal property; appeals; commitment of insane persons, and of persons under guardianship to the inebriate hospital; probate bonds and their prosecution; form of letters; resignation and removal of executors, administrators and guardians, etc.

(5.) An act to provide for the mortgaging of lands by executors and administrators, provides that when the personal estate of a deceased person is insufficient to pay his debts, with the charges of administration, and to pay any taxes, assessments or other charges which are an existing lien upon his estate; or whenever the personal estate of such deceased person is insufficient to pay for any improvements which are necessary for the preservation of his real estate or any part thereof, his executor or administrator may mortgage his real estate for the purpose of obtaining funds for the payment of such debts, charges, taxes, assessments or liens, or for the making of such necessary improvements, upon obtaining a license therefor and proceeding as provided by this act, upon petition, etc.

(6.) An act proposing an amendment to the constitution, in relation to freedom of markets, was adopted November 6, 1888, by vote of 194,932 for amendment, and 13,064 against amendment, as follows: Any combination of persons, either

as individuals or as members or officers of any corporation, to monopolize the markets for food products in this state, or to interfere with or restrict the freedom of such markets, is hereby declared to be a criminal conspiracy, and shall be punished in such manner as the legislature may provide.

(7.) An act to provide for a uniform policy of fire insurance to be made and issued in this state by all insurance companies taking fire risks on property within this state.

(8.) An act, amending act of 1887, relative to ownership of real estate by aliens and corporations, provides: "That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States, or of some state or territory of the United States, to hereafter acquire, hold or own real estate so hereafter acquired, or any interest therein in this state, except such as may be acquired by devise or inheritance, or in good faith in the ordinary course of justice in collection of debts hereafter created, or such as may be held as security for indebtedness heretofore or hereafter created;" except where the right to hold lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries; and excepting actual settlers upon farms of not more than one hundred and sixty acres of land; and excepting lots or parcels of land not exceeding six lots of fifty feet frontage by three hundred feet in depth each, within any incorporated city, and lands heretofore acquired. And that no corporation or association more than twenty (20) per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or shall hold or own any real estate hereafter acquired in this state. No corporation other than those organized for the construction or operation of railways, canals or turnpikes, shall acquire, hold or own, over five thousand (5,000) acres of land, so hereafter acquired in this state; and no railroad, canal or

turnpike corporation shall hereafter acquire, hold or own lands so hereafter acquired in this state other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress or of the legislature of this state. All property acquired, held or owned in violation of the provisions of this act shall be forfeited to this state, and it shall be the duty of the attorney general of the state to enforce every such forfeiture by due process of law.

(9.) An act limiting the time within which mortgage foreclosure sales may be called in question.

MISSOURI.

The thirty-fifth general assembly of Missouri began January 2, 1889, and enacted one hundred and ten acts and three resolutions, of which may be mentioned as of general interest and importance, the following:

(1.) An act requires railroad companies to provide cars, transportation and other facilities to enable express companies to carry on their business; and declares that it shall be no excuse for refusing such facilities, that another express company is already furnished with facilities; and forbids discrimination between different companies, as to facilities or charges.

(2.) An act to prevent the importation of armed men, or associations of men, into this state for the purpose of police duty; and forbidding the appointment of any under or deputy officer not a bona fide resident of the state.

(3.) An act for the punishment of pools, trusts and conspiracies, and as to evidence in such cases: provides that if any corporation organized under the laws of this or any other state or country, for transacting or conducting any kind of business in this state, or any partnership or individual or other association of persons whosoever, shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other

corporation, partnership, individual, or any other person or association of persons, to regulate or fix the price of any article of merchandise or commodity, or shall enter into, become a member of or a party to any pool, agreement, contract, combination or confederation to fix or limit the amount or quantity of any article, commodity or merchandise to be manufactured, mined, produced or sold in this state, shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to indictment and punishment as provided in this act. It shall not be lawful for any corporation to issue or to own trust certificates, or for any corporation, agent, officer or employes, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article. Any violation of this act is punishable by fine; and the contracts or agreements are made void; and a purchaser may plead this act in defense of any suit for the purchase price; and corporations forfeit corporate rights.

(4.) An act to prohibit fictitious and gambling transactions in agricultural products, other commodities and stocks and bonds; provides, among other things, that all purchases and sales, or pretended purchases and sales, or contracts and agreements for the purchase and sale, of the shares of stocks or bonds of any corporation, or petroleum, provisions, cotton, grain or agricultural products whatever, either on margin or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, and all the buying or selling or

pretended buying or selling of such property on margins or on optional delivery, when the party selling the same, or offering to sell the same, does not intend to have the full amount of the property on hand or under his control to deliver upon such sale, or when the party buying any of such property or offering to buy the same does not intend actually to receive the full amount of the same if purchased, are hereby declared to be gambling and unlawful, and the same is hereby prohibited. Any company, copartnership or corporation, or member, officer or agent thereof, or any person found guilty of a violation of the provisions of this section, shall be fined in a sum not less than three hundred dollars nor more than three thousand dollars.

(5.) An act to provide for the printing and distributing of the ballots in elections for public officers at public expense, and to regulate elections for public officers, provides, among other things, that every ballot printed under the provisions of this act shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names. The names of candidates nominated by each party shall be grouped together upon the proper ballot, and each group be headed by the name of the political party by which the candidates composing said groups are placed in nomination. Every ballot shall also contain the name of the party or principle which the candidates represent, as contained in the certificates of nominations. At the end of the list of candidates for each office shall be left a blank space large enough to contain as many written names of candidates as there are offices to be filled. * * * On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of the election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector, the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot within two inches of the top thereof. On receipt of his ballot the elector

shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments provided to prepare his ballot. He shall prepare his ballot by crossing out therefrom the names of all candidates except those for whom he wishes to vote, or, in case of a ballot containing a constitutional amendment or a question to be submitted to the vote of the people, by crossing out therefrom parts of the ballot in such a manner that the remaining parts shall express his vote upon the questions submitted. After preparing his ballot, the elector shall fold the same so that the face of the ballot will be concealed, and the signatures or initials of the judges thereon may be seen. He shall then vote forthwith and before leaving the polling place. * * * Any elector who declares under oath to the judges of election having charge of the ballots that he cannot read or write, or that by reason of physical disability he is unable to mark his ballot, may declare his choice of candidates to either one of the judges having charge of the ballots, who, in the presence of the elector, shall prepare the ballots for voting in the manner hereinbefore provided; or such elector, after making such oath, may require one of such judges to read to him the contents of the ballot, so that the elector can ascertain the relative position of the names of the candidates on each ballot, whereupon the elector shall retire to one of the places, booths or compartments provided, to prepare his ballot in the manner hereinbefore provided. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

(6.) An act to provide for regulating primary elections held for the purpose of nominating candidates for public office.

MONTANA.

At the sixteenth regular session of the legislative assembly of the territory of Montana, commencing January 14, 1889, and ending March 14, 1889, there were passed fifty-eight

general laws, and eighteen resolutions and memorials, of which the following may be mentioned as of general interest and importance:

(1.) An act providing that all persons qualified shall be eligible to be admitted to practice as attorneys and counsellors-at-law, without regard to sex.

(2.) An act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, compile and arrange the statute laws of Montana.

(3.) An act to provide for the registration of the names of electors, and to prevent fraud at elections.

(4.) An act to provide for printing and distributing ballots at the public expense, and to regulate voting at territorial and other elections; provides for nomination by convention or primary meeting, and by electors, of candidates for office to be filled by election. All ballots shall be white in color, of good news printing paper, printed in black ink; and shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names, arranged alphabetically, according to surnames,—except that electors for President and Vice-President of the United States shall be arranged in one group, and also contain the name of the party or principle which the candidates represent, as contained in the certificates of nomination. At the end of the list of candidates for each office shall be left a blank space large enough to contain as many written names of candidates as there are offices to be filled. At any election the judges of election shall designate two of said judges whose duty it shall be to deliver ballots to the qualified electors. Before delivering any ballot to an elector, the said judges shall print on the back and near the top of the ballot, with the rubber or other stamp provided for the purpose, the designation, "Official Ballot," the name or number of the election precinct, the name of the county, the date of the election, and the name and official designation of the clerk who furnishes the tickets. Each

qualified voter shall be entitled to receive from said judges one ballot, and shall forthwith, and without leaving the polling place, retire alone to one of the places, booths, or compartments provided, to prepare his ballot. He shall prepare his ballot by marking a cross before or after the name of the person or persons for whom he intends to vote; for example [X]; or in case of a ballot containing a constitutional amendment, or other question, to be submitted to the vote of the people, by crossing out therefrom parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted. Or the elector may write in the blank spaces or paste over another name the name of any person for whom he may wish to vote. In marking a ballot, any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth; but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed in the exact style, manner, width or character of paper of the official ballot. After preparing his ballot, the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement stamped thereon may be seen. He shall then vote forthwith and before leaving the polling place: *Provided, however,* That any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed to have voted for all the persons named in such group whose names shall not have been erased. And in the canvass of the votes, any ballot which is not endorsed, as provided in this act, by the official stamp, shall be void and shall not be counted, and any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted: *Provided,* That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, that it shall be the duty of the judges of election to count such part. Penalties are provided for various offences against this act.

(5.) An act to prohibit certain gambling games and fixing penalties for violation thereof.

(6.) An act relating to the formation of the jury, provides for a jury of twelve persons,—but that the parties to any civil suit, or in cases of misdemeanor, may consent to any number of jurors not less than three, which consent shall be entered by the clerk in the minutes of the trial.

(7.) An act to regulate the practice of medicine in the territory of Montana and to provide for the examination and issuing of certificates to persons desiring to practice medicine, and for the punishment of persons violating the same.

NEBRASKA.

The twenty-first session of the legislative assembly of the state of Nebraska, begun January 1, 1889, enacted one hundred and nine general laws, and four joint resolutions, among which are found the following of general interest:

(1.) An act to punish city and village officers who become interested in contracts with the city or village, or who furnish any material to any person contracting with the city or village,—by fine of \$1,000 to \$5,000 for city officers, and \$100 to \$1,000 for village officers.

(2.) An act to provide for the better protection of the earnings of laborers, servants, and other employes of corporations, firms or individuals engaged in inter-state business; declares it unlawful, for the purpose of avoiding the effect of the Nebraska laws concerning exemptions, for any creditor to transfer any claim to any person, or to institute in this state or elsewhere, or prosecute any action for any claim against any laborer, &c., by any process seeking to seize, attach or garnish the wages of such person, earned within sixty days prior to the proceeding, under penalty of liability to the party injured for the amount of the debt transferred, garnished or sued upon, with costs and attorney's fee; besides a fine of \$200 and costs.

(3.) An act authorizing transcripts of judgments and decrees rendered in the state of Nebraska by the Circuit and District Courts of the United States, to be filed in the counties of said state, and prescribing the conditions under which they may be filed.

(4.) An act to require all trains run upon railroads in this state to come to a full stop before crossing any other road, and to provide penalties for its violation.

(5.) An act to enable foreign corporations to become domestic corporations of this state, upon filing with the secretary of state a copy of its charter or articles of association, and of a resolution by its board of directors accepting the provisions of this act.

(6.) An act defining the liability of fire insurance companies, —in case of insurance of real property against loss by fire, tornado, or lightning, and the destruction of such property, without criminal fault of the insured,—as the amount of insurance written in the policy.

(7.) An act to require and regulate the registration of voters for election purposes.

(8.) An act to amend the compiled statutes of 1887, relating to decedents, and the order of descent and distribution of property, real and personal, and limiting the husband's power to make a will of the homestead; and abolishing dower and tenancy by the curtesy.

(9.) An act restricting non-resident aliens and corporations not incorporated under the laws of this state, in their right to acquire and hold real estate; provides for escheatment to the state, and payment, to heirs or persons who would have been entitled to such lands, of the value thereof as appraised.

(10.) An act to prohibit persons, partnerships, companies, associations or corporations engaged as manufacturers or dealers from entering into any understanding, contract, combination, pool or trust, for any purpose whatever, and to provide punishment for violations of the same, and providing means for the suppression of such evils, and remedies for persons injured thereby.

NEVADA.

The legislature of Nevada convened on January 7, and adjourned March 7, 1889. During its session it passed one hundred and twenty-nine acts and twenty-one resolutions. Among those worthy of mention are the following :

Chapter 10 provides a method of service upon non-resident corporations or joint stock associations, by publication, when the proper officer resides out of the state or cannot be found.

Chapter 21 is an act to define the term "reasonable doubt : " and declares that "a reasonable doubt is one based on reason. It is not a mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual and substantial, not mere possibility or speculation. No other definition of reasonable doubt shall be given by the court to jurors in criminal actions in this state."

Chapter 44 provides that service of legal process may be made upon the secretary of state in default of the appointment of an agent resident in the state.

Chapter 42 prescribes the requisites of actual residence within the meaning of the constitution of the state.

Chapter 72 fixes the time for opening and closing saloons and gaming houses, at the hours between 6 A. M. and 12 P. M. of each and every day.

Chapter 85 makes it unlawful to sell cigarettes or tobacco of any description to a minor under the age of eighteen and provides severe penalties, and for a second conviction forfeiture of license and disqualification to obtain one again.

Chapter 89 makes it unlawful to keep or let any house of ill-fame within four hundred yards of any school-house or school-room, used by the common or public schools of the state.

Chapter 106, entitled "an act to protect horse growers," provides salutary punishment for giving a false or erroneous pedigree, making the offence a felony.

A proposed amendment to the constitution adopted by this and the preceding legislature authorizes the incorporation of a lottery, and the designation of the amount of revenue to be annually paid by it to the state treasury.

NEW HAMPSHIRE.

The legislature of New Hampshire, at the session of 1887, passed one hundred and sixty-two general laws and one hundred and forty-eight private acts; of which may be mentioned as of general interest and importance:

(1.) An act to prevent vexatious interference with lawful business, trades, and occupations, and to protect free labor, provides: That any person who interferes in any way whatever to injure or damage any other person or persons in their person or property while engaged in their lawful business, trade, or occupation, or in the way to or from such business, trade, or occupation, or endeavors to prevent persons from engaging in their lawful business, trade, or calling, shall be subject to a fine of not more than five hundred dollars or imprisonment not exceeding one year.

(2.) An act in aid of the purity of elections, providing that: Any person who shall without authority sign the name of any other person to any letter or other document or falsely represent that any other person has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, shall be fined not exceeding one thousand dollars or imprisoned not exceeding one year.

Any person publishing any such forged letter or document, knowing the same to be forged, with like intent, shall be fined not exceeding one thousand dollars.

(3.) An act requires preservation, under seal, of all ballots cast at elections; and regulates any re-examination thereof,

and the time for their destruction, when no contest or trial of right to any office shall be pending.

(4.) An act defines and punishes the misuse of railroad earnings to influence legislation: Railroads being public trusts, any officer, stockholder, or agent of any railroad corporation in this state, or of any railroad outside the state operating any railroad in this state, who shall use any of the income, funds, or property of the corporation of which he is an officer, stockholder, or agent to secure or oppose legislation, except as hereinafter provided, shall be deemed guilty of a misdemeanor, and be liable to punishment by a fine not exceeding one thousand dollars or by imprisonment in the state prison for a term not exceeding one year, or by fine and imprisonment in the discretion of the court.

Any railroad corporation having business before the legislature may employ counsel not exceeding three in any cause, and may be represented by any citizen and by its own officers and agents as actual witnesses and experts only, the expense of which shall appear as a distinct item in the annual returns of every railroad under the item of "legislative expense," as required to be made to and published by the railroad commissioners.

(5.) An act to prevent bribery and corruption, provides: That whoever gives, offers, or promises to an executive or judicial officer, or any member of either branch of the legislature, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or does or promises to do any act beneficial to such officer or member, with intent to influence his action, vote or opinion, or judgment in any matter pending, or that may come legally before him in his official capacity, shall be punished by imprisonment for not more than five years or by fine not exceeding three thousand dollars; and whoever accepts such bribe or beneficial thing, in the manner and for the purposes aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the state, and be punished by imprisonment

for not more than ten years or by fine not exceeding five thousand dollars.

The acts passed at the session of 1888 had not been published when this address was prepared.

NEW JERSEY.

The legislature of New Jersey, for 1889, passed two hundred and eighty acts and eight joint resolutions; of which may be mentioned as of general interest and importance:

(1.) An act concerning fugitives from justice, declares it unlawful to take, or aid in taking, any person out of the state, with or without such person's consent, to answer any criminal charge in another state, except upon the warrant or mandate of the governor, under penalty of fine from two hundred dollars to one thousand dollars, or imprisonment from four months to two years, or both fine and imprisonment.

On evidence under oath, of application made or to be made by the authorities of another state to the governor of this state, for the extradition of any person, such person may be arrested and detained in jail or on bail for thirty days.

(2.) An act requires contracts for conditional sale of personal property to be recorded in the county clerk's or register's office.

(3.) An act for the parole or conditional release of prisoners confined in the New Jersey state prison.

(4.) An act regulating the continuance of investments by executors, guardians and trustees.

(5.) An act empowering executors or trustees to sell and convey or mortgage land and real estate, where the same is incumbered by taxes or assessments, and to use the proceeds thereof in satisfaction of the same.

(6.) An act to provide for the adoption of labels, trademarks and forms of advertising by associations or unions of workingmen, and to regulate the same.

(7.) An act declares it unlawful for any insurance company to issue or renew in this state any policy or policies on any

one risk in excess of ten per centum of its paid up capital and surplus; under penalties prescribed.

(8.) An act regulates the organization and business of companies having for their object the selling of credit, or the limiting, insuring or guaranteeing of the losses of wholesale dealers, manufacturers and jobbers arising by reason of bad debts.

NEW MEXICO.

The legislative assembly of the territory of New Mexico, at the twenty-eighth session, convened on December 31, 1888, and adjourned on February 28, 1889, passed one hundred and forty-five acts, and several joint resolutions and memorials, of which may be named as of general interest and importance:

(1.) An act in relation to the forms of pleadings, prescribes the forms which shall be deemed sufficient in actions at law, and which may be used with such modifications as may be necessary to meet the facts of the case.

(2.) An act to prevent debtors in contemplation of insolvency from preferring one or more creditors to the exclusion in whole or in part of others.

(3.) An act authorizing and regulating voluntary assignments for the benefit of creditors.

(4.) An act in relation to elections authorizes any political convention for nominating candidates to adopt some mark or designating device to be printed on the face of and at the head of the ballot containing the names of such candidates; and punishes frauds upon the ballot by fines and imprisonment.

NEW YORK.

At the one hundred and twelfth session of the legislature of the state of New York, begun January 1, 1889, and ended

May 16, 1889, five hundred and seventy statutes were enacted, of which may be specially mentioned as of general interest and importance :

(1.) An act to enable the foreign-born children and descendants of any woman born in the United States, and notwithstanding her marriage with an alien and residence in a foreign country, to take, hold, have, possess, enjoy, convey and devise real estate situate in this state, provided the title to such real estate shall be or shall have been derived from or through such woman, or from or through some ancestor of such woman, which ancestor shall be or shall have been a citizen of the United States.

(2.) An act amending the act of 1873 to legalize the adoption of minor children by adult persons, provides that whenever a parent has abandoned or shall abandon an infant child, such parent shall be deemed to have forfeited all claim that he or she would otherwise have, as to the custody of said child or otherwise, against any person who has taken, adopted and assumed the maintenance of such child, and in such case the person so adopting, taking and assuming the maintenance of such child may adopt it under the provisions of this act, with the same effect as if the consent of such parents had been obtained.

(3.) An act in amendment of former acts, regulating the heating of steam passenger cars, prohibits the use of stoves or furnaces, except for heating cars while standing still; and excepting certain short roads, foreign railways or dining cars.

4.) An act amending the penal code, relating to children, declares guilty of a misdemeanor any person who admits a child to concert saloons, or place where liquor is sold, or to houses of prostitution, gaming or opium smoking; or sells cigarettes or tobacco to any child under sixteen years of age.

(5.) An act amending provisions of the code of civil procedure, relating to applications for auxiliary letters to foreign guardian, and the effect of such letters.

(6.) An act to establish and organize the State Commission in Lunacy, and to define its duties.

(7.) An act to provide for the cash payment of wages by corporations, and prohibiting store money-orders.

(8.) An act amending provisions of the revised statutes, relating to state prisons and for other purposes connected therewith; contains provisions as to the government and maintenance of state prisons, the officers connected therewith, their powers, duties and compensation, and as to the disposition, discipline and instruction of prisoners; and as to the labor of prisoners; and provides, among other things, that whenever any male person over sixteen years of age shall be convicted of a felony punishable by imprisonment in a state prison, for a term to be fixed within certain limits, the court may pronounce upon such offender an indeterminate sentence of imprisonment in a state prison for a term with minimum and maximum limits only specified, not exceeding the longest period nor less than the shortest term for which such offender might have been sentenced; and when the minimum term of sentence has expired, the prisoner shall be given an opportunity to appear before the commissioners of paroled prisoners, constituted by this act, and apply for his release upon parole, or for an absolute discharge; and if it shall appear to the commissioners that there is reasonable probability that such applicant will live and remain at liberty without violating the law, then the commissioners may authorize the release of such applicant upon parole, and he shall thereupon be allowed to go upon parole outside the prison walls and inclosure upon such terms and conditions as they shall prescribe, but to remain, while so on parole, in the legal custody and under the control of the agent and warden of the state prison from which he is so paroled until the expiration of the maximum term specified in his sentence, or until his absolute discharge; and in case of his violation of the terms of parole he may be retaken and imprisoned for a period equal to the unexpired maximum term of sentence of such prisoner; and when it shall appear to the

commissioners that there is reasonable probability that any prisoner on parole will live and remain at liberty without violating the law, and that his absolute discharge from imprisonment is not incompatible with the welfare of society, the commissioners shall issue to such prisoner an absolute discharge from imprisonment upon such sentence, which shall be effective therefor. Nothing herein contained shall be construed to impair the power of the governor of the state to grant a pardon or commutation in any case. Provision is also made for the instruction of prisoners in trades, etc., and in useful branches of education; and as to their clothing, punishment, etc.

(9.) An act providing that no conviction shall be had upon a plea of guilty where the crime charged is punishable by death, or is or may be punishable by imprisonment in a state prison for the term of life.

(10.) An act for the better protection of skilled labor, and for the registration of labels, marks, names, brands, or devices covering the products of such labor of associations or unions of workmen or women.

(11.) An act to provide for the care and custody of the estates of persons sentenced to state prison for life.

(12.) An act relating to the descent of real estate and distribution of personal property.

(13.) An act to provide for reports of the dormant accounts in savings banks incorporated under the laws of this state.

(14.) An act declaring by whom marriage may be solemnized.

(15.) An act relating to the increase of the capital stock of railroad corporations.

(16.) An act relating to wagers, betting and gambling, declares the keeping of place for gambling, or making wagers depending on chance or lot, or on future price of stocks, etc., a misdemeanor.

(17.) An act to establish a state naval militia.

NORTH CAROLINA.

The general assembly of North Carolina, at its session begun on January 9, 1889, enacted five hundred and sixty-one public laws, two hundred and seventy private laws, and forty-nine resolutions, of which may be mentioned as of general interest, the following :

(1.) An act to prevent manufacturers and others from issuing non-transferable tickets or other script in payment for labor done.

(2.) An act to prohibit trusts in the state of North Carolina, and to provide for the punishment of persons connected with them, declares that all combinations and trusts are unlawful, dangerous to the liberty of the people, and forbidden to be formed or carried on in this state ; and defines a trust as "an arrangement, understanding or agreement, either private or public, entered into by two or more persons or corporations for the purpose of increasing or reducing the price of the shares of stock of any company or corporation, or of any class of products, materials or manufactured articles, beyond the price that would be fixed by the natural demand for or the supply of such shares, products, materials or manufactured articles ; and any attempt to carry out such purpose shall be evidence that such arrangement, understanding or agreement exists." And the formation of, or attempt to form, a trust or to carry on operations of any trust in this state, is made a misdemeanor, punishable by fine of not more than ten thousand dollars or by imprisonment not more than ten years for each offense.

(3.) An act in relation to deeds procured by fraud or duress declares : That no deed of conveyance for lands hereafter executed by a husband and wife, if the privy examination of the wife shall have been certified in the manner prescribed by law, shall be deemed or declared invalid in any case because its execution was procured by fraud, duress, or other undue influence, unless it shall be shown that the grantee had notice of or participated in the fraud, duress or other undue influence

before the delivery of the deed, and where the grantee is shown to have had notice of such fraud, duress, or undue influence, or to have participated therein, an innocent purchaser for valuable consideration from or under such grantee shall not take the land subject to any equity arising out of the fraud, duress, or other undue influence.

OHIO.

The sixty-eighth general assembly of Ohio, at its adjourned session beginning January 8, 1889, passed the following acts of general interest and importance:

(1.) An act to establish an efficient and non-partisan board of public affairs in cities of the second class, third grade, having a population at the last federal census of twelve thousand one hundred and twenty-two, provides that in such cities there shall be a board of public affairs, composed of four members, to be appointed by the governor, not more than two of whom shall be of the same political party, to serve for four years.

All powers and duties connected with and incident to the appointment, regulation, government and control of the police force and the fire departments of said cities; the cleaning, repairing and improving of all streets, alleys, avenues, culverts, bridges, drains, ditches and sewers; the control and superintendency of all parks; and all the powers and duties vested by law in the board of health in said cities, shall be vested in said board of public affairs.

The mayor may be present and preside at its meetings; but without power to vote, excepting after a failure to agree by a majority vote, after twenty ballots, on officers at the organization, when he shall have the casting vote. The board shall appoint all policemen and officers of the police force. Appointments shall be made without reference to party. The board shall have full control of the fire department.

(2.) An act to provide against the payment of wages in scrip, orders, etc.

(3.) An act to define pure wines and to regulate the manufacture of compounded wines, and prohibit the manufacture and sale of adulterated wines.

(4.) An act for the better protection of life against fire requires the erection of fire escapes on all buildings in cities, except private residences, of a greater height than two stories, and the construction of fire proof vaults in planing mills, etc., for shavings, saw dust, etc.

(5.) An act revising certain sections of the revised statutes provides for assignment of dower, etc.

(6.) An act providing for the parole of prisoners in work-houses.

(7.) An act defining who may legally solemnize marriages and providing for the recording of marriage certificates.

(8.) An act to regulate the sale of milk, and defining the standard thereof.

(9.) An act to regulate punishment of persons found guilty of repeated misdemeanors.

(10.) An act to provide for the appointment of distributors of ballots for each precinct in cities of the second grade of the first class, provides for the printing and distribution of ballots for candidates of any political organization by the election boards whenever requested by the chairman or secretary of any political organization casting at the last preceding election in such city more than five hundred votes.

(11.) An act to compel children under fourteen years of age to attend school, provides that parents or guardians shall be required to send children between the ages of eight and fourteen years either to a private or public school for at least twenty weeks in each year, unless excused by the superintendent by reason of the physical condition of such children, or on showing to the satisfaction of said superintendent that they are taught at home. No child under fourteen shall be employed during the school term, unless such child shall have

completed the course of primary and grammar grades in some public or private school. All minors between the ages of sixteen and fourteen who cannot read and write English must be instructed either in a night or day school. Truant officers are to be employed to enforce the provisions of this act.

OREGON.

The legislature of Oregon, for 1889, passed ninety-four general laws, and seventy-three special laws; of which may be noticed as of general interest and importance:

(1.) An act to establish a state weather service in the state of Oregon, for the purpose of co-operating with the United States signal service in the collection of climatic data and publishing the same; to disseminate more speedily and thoroughly the United States signal service weather forecast, storm and frost warnings, for the benefit of the citizens of this state; to establish in each county one or more meteorological stations, and making an appropriation therefor.

(2.) An act relating to the descent and distribution of the real property of deceased persons.

(3.) An act to prevent the spread of contagious animal diseases.

(4.) An act provides respecting elections and ballot paper: At every general, special or municipal election hereafter held in this state, each elector shall, in full view, deliver to the chairman of judges of election a single ballot or piece of paper on which shall be written or printed the names of persons voted for, with proper designation of the office which he or they may be intended to fill. No ballot shall bear upon the outside thereof any impression, device, color or thing designed to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. For the purpose of securing a uniform and secret ballot at all elections it is made the duty of the secretary of state to procure at the expense of

the state a sufficient quantity of plain white paper to be used as ballot paper at each general, special or municipal election, to be supplied to voters through their respective county clerks for each election, and no ballot paper left over after any election shall be used as ballot paper at any subsequent election. No ticket must be used at any election or circulated at the day of election unless it is written or printed on paper procured from the county clerk for the purpose of being used at the said pending election. No ticket, not conforming to the requirements of this act, shall be received or counted by the judges of any general, special or municipal election.

PENNSYLVANIA.

The legislature of Pennsylvania, at the session of 1889, passed three hundred and thirty-two laws, besides resolutions; of which may be noticed as of general interest and importance:

(1.) An act authorizes executors and trustees to organize corporations for profit, to carry on or continue a business of the testator; and the executors or trustees may unite with others in the organization of such corporations, and contribute the property, the legal title to which is vested in them, as capital to the corporations on terms to be agreed upon by the associates, and accept stock in the corporations in lieu thereof. The proceeds of the trust estate, whether contributed or sold, and whether paid for by the shares or money, shall be held for the same trusts and persons, subject to the same powers, as the estate and property was held for or under before the organization.

(2.) An act authorizes and constitutes a battalion of naval militia as a part of the National Guard.

(3.) An act (similar to the Illinois statute) for identification of habitual criminals, adopting, for the purpose of obtaining accurate descriptions of convicts, the Bertillion method of measurements and registration.

(4.) An act prohibits the sale of cigarettes to persons under the age of sixteen years, under penalty of a fine of three hundred dollars.

(5.) An act to prevent any life insurance company, or agent thereof, doing business in Pennsylvania, from making or permitting any distinction or discrimination in favor of individuals, between insurants of the same class and equal expectations of life, in the amount or payment of premiums or rates charged for policies of life or endowment insurance and providing a penalty for violation thereof.

(6.) An act to authorize courts, having cognizance of trusts created by deed or will, to direct trust funds to be placed in the custody of trustees appointed by the courts of another state or territory of the United States, in cases where the person or persons beneficially interested in such trust have removed to such other state or territory of the United States.

(7.) And act prohibiting the printing or circulating of publications offering for sale, etc., counterfeit coin, paper money, etc.

(8.) An act provides that the receiving of deposits by insolvent bankers, brokers or an officer of a bank, national, state or private, shall be embezzlement, punishable by fine in double the amount so received, and imprisonment from one to three years.

(9.) An act to punish bribery at certain elections, provides : That any person who shall give or promise or offer to an elector any money, reward or other valuable consideration for his vote at any election on an amendment to the constitution, or any other public purpose, or for withholding the same, or to any other person or party for such elector's vote, or for withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any valuable consideration for his vote at such election or for withholding the same, shall be guilty of a misdemeanor, and liable to fine not exceeding one thousand dollars and imprisonment not exceeding one year.

(10.) An act requires the holders of mortgages, on being

tendered the legal fees therefor, to credit, at least once in every three years, on the record thereof, the amounts of the interest and principal paid thereon, and providing a penalty of one hundred dollars for each refusal or failure to do so.

(11.) An act in relation to the adoption of any adult person as an heir, provides for a petition and decree that such adult person shall have all the rights of a child and heir of such adopting parent, and be subject to the duties of such child; and may assume and bear the name of the adopting parent. *Provided*, That if such adopting parent shall have other children, the adopted shall share the inheritance only as one of them in case of intestacy, and he, she or they shall respectively inherit from and through each other as if all had been the lawful children of the same parent.

(12.) An act in relation to estates held for religious and charitable uses, provides: That no disposition of property heretofore or hereafter made for any religious or charitable use, shall fail for want of a trustee or by reason of the objects ceasing, or depending upon the discretion of a last trustee, or being given in perpetuity, or in excess of the annual value limited by law; but it shall be the duty of any court having equity jurisdiction in the proper county, to supply a trustee, and by its decrees to carry into effect the intent of the donor or testator, so far as the same can be ascertained and carried into effect consistently with law or equity.

(13.) An act forbidding the refilling of, or dealing or trafficking in, registered bottles, by persons other than the owners thereof, without the written permission of the owner, declaring it to be a misdemeanor so to do, imposing a penalty therefor, and providing what shall be *prima facie* proof thereof.

(14.) An act providing that after publication of description of names or marks impressed upon bottles, intended for the sale of beverages or other article of merchandise, the same may be registered in the office of the secretary of the commonwealth, and declaring what shall be conclusive evidence of such publication and registration.

RHODE ISLAND.

At the sessions of 1889, of the general assembly of the state of Rhode Island and Providence Plantations, eighty-six public laws were enacted, of which the following may be mentioned as of general interest and importance :

(1.) An act to provide for printing and distributing ballots at the public expense, and to regulate voting at state and congressional elections,—provides, among other things, that every ballot shall contain the names, residences, and the party or political designation of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, and shall contain no other names ; except that in the case of electors of president and vice-president of the United States the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president shall be arranged in groups as presented in the several certificates of nomination or nomination papers. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. Each voting place shall be provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, screened from the observation of others. Any person desiring to vote, whose name is on the voting list, on entering the voting place, shall receive from the supervisor of elections one, and only one, ballot, and shall forthwith, and without

leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided, and shall prepare his ballot by marking in the appropriate margin or place a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and making in the appropriate margin or place a cross [X], and also marking a cross [X] against the answer which he desires to give to any proposition submitted, as recited in section 6. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. Before leaving the voting shelf or compartment, the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement, so that it may be seen by the warden or moderator, and the clerk shall check his name on the voting list. Any ballot not voted shall be returned to the supervisor, including ballots inadvertently spoiled, which shall be immediately cancelled, and, together with those not distributed to the voters, shall be preserved, and with the voting list used by the supervisors which shall be certified by them to be such, shall be securely wrapped, sealed, and sent to the several city and town clerks by the supervisors. A voter who cannot read, &c., may receive assistance in marking his ballot. Penalties are provided for allowing ballot to be seen, &c., or attempting to interfere with a voter marking his ballot, &c.; and for defacing list of candidates, &c., or for wilfully hindering the voting of others; and for defacing certificate of nomination, &c.; and for any officer's neglect of duty, &c.

(2.) An act providing for the registering, listing and returning lists of voters, and of proof of their qualification to vote.

(3.) An act to establish a naval battalion, to be attached to the Rhode Island militia.

SOUTH CAROLINA.

The legislature of South Carolina, at the session of 1888, passed one hundred and sixty-five acts, and eleven joint resolutions; of which may be mentioned as of general interest and importance:

(1.) An act to protect primary elections and conventions of political parties and to punish frauds committed thereat, which provides: That every political primary election held by any political party, organization, or association for the purpose of choosing candidates for office, or the election of delegates to conventions, shall be presided over and conducted in the manner prescribed by the rules of the political party, organization, or association holding such primary election by managers selected in the manner prescribed by such rules.

(2.) An act defines the law of notice as to instruments not recorded, by providing that no possession of real property described in any instrument of writing required by law to be recorded shall operate as notice of such instrument; and actual notice shall be deemed and held sufficient to supply the place of registration only when such notice is of the instrument itself or of its nature and purport.

TENNESSEE.

The legislature of Tennessee, at the session of 1889, passed two hundred and seventy acts, and numerous resolutions; of which may be mentioned as of general interest and importance:

(1.) An act provides that when the death penalty shall be enforced, the same shall be enforced within the prison where the convict shall be confined or within an inclosed yard to be erected for that purpose, so constructed as to exclude the view of persons outside thereof.

(2.) An act to provide more stringent regulations for securing the purity of elections in this state, and applicable to counties having a population of over seventy thousand, and cities of over nine thousand inhabitants, computed by the census of 1880, requires that all ballots cast in elections for national, state, county and district officers shall be printed and distributed at public expense. The ballots shall contain the names of all the candidates who have been put in nomination by any caucus, convention, mass-meeting, or other assembly of any political party in this state, or by written petition of at least fifteen qualified voters, at least ten days previous to the day of election. And any candidate, or person who desires to run of his own volition, may have a separate ticket printed and given to the officer distributing the ballots upon the day of election, who shall distribute same with the regular ticket, to enable the voter to write the name upon the ticket printed at public expense. On the back and outside, when folded, shall be printed "official ballot for," followed by the designation of the polling place for which the ballot is prepared, the date of the election, the number of the ballot itself, and a *fac simile* of the signature of the officer or officers charged with the printing of the ballots. All ballots for use in each ward or civil district shall be fastened together, in convenient numbers, in books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and presented by the officer or officers in each county charged with the printing of ballots. Cards of instruction shall be furnished with the ballots, for the guidance of voters, as to obtaining ballots, manner of marking them, method of gaining assistance, and obtaining new ballots in place of those accidentally spoiled. The officer in each county, whose duty it is to hold the election, shall cause the same to be suitably provided with a sufficient number of voting shelves or tables at or on which voters may conveniently mark their ballots; so arranged that it shall be impossible for one voter at one table,

or in one compartment, to see another voter at another table or compartment in the act of marking his ballot. As requested by each of the voters, the registrars shall hand the voter an official ballot and a card of instructions, but so that not more voters than there are voting compartments shall be admitted into the room in which are the ballot-box and the compartments, tables, or shelves. Upon receipt of his ballot the voter shall forthwith enter the room in which the voting is to take place, and at one of the voting shelves, tables, or compartments, prepare his ballot by marking in the margin a cross opposite the candidate of his choice for each office to be filled, or by writing in the name of his candidate in the blank space provided therefor, and marking a cross opposite thereto, and likewise a cross opposite the answer he desires to give to any question of constitutional amendment. He shall then vote in the manner now provided by law, and quit the voting room as soon as he has voted. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one. And in case of inability to mark his ballot, the voter may have the assistance, upon request, of the officer holding the election, who shall certify that it was marked with his assistance by indorsement thereon. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official indorsement of the chairman of the board of commissioners shall be deposited, and none but ballots provided in accordance with the provisions of this act shall be counted. And penalties are provided for various violations of this act.

(3.) An act provides for the registration of voters in towns, cities, and civil districts in the state of Tennessee having a voting

population of five hundred votes or more in the presidential election of 1888, or hereafter having that number in any presidential election. The registrars shall number the names of voters as registered, giving the color of each voter opposite his name on the registration book, and furnish to each voter registered a certificate of his registration as a voter, which shall be numbered, corresponding with his name on the registration book, and shall show on its face the name of the voter, his color, the ward or district in which he resides, and in what election he is entitled to vote, under said certificate, and no person shall be entitled to vote in such ward or district except on presentation of his certificate as a voter as hereinbefore provided for, and whose certificate of registration shall be taken up and cancelled.

(4.) An act in relation to trials by juries in civil cases provides that hereafter in suits now pending in the courts of this state, or which may hereafter be brought, either party desiring a trial by jury shall be entitled to a jury; *Provided*, He call for the same on the first day of any term at which the suit stands for trial, and have an entry made on the trial docket that he calls for a jury, and unless such demand is made and entry thereof on the trial docket, it shall be the duty of the court to try the case without a jury.

(5.) An act to prevent conspiracies and formations of trusts against legitimate trade and commerce, and to suppress illegal combinations against the same, provides that it shall be unlawful for any persons, associations, or corporations to form any trust, pool, or corner, or combination, or any other arrangement or device, in or about any article of legitimate traffic, for the purpose of injuriously affecting legitimate trade and commerce, or to limit the supply or production of said articles, whereby the price may be unduly depressed, or unduly raised, for the purpose of speculation, either by pooling or purchasing said articles for the purpose of withdrawing them from market to unduly raise the price, or by throwing the same on the

market when so accumulated or purchased for the purpose of creating an undue depression in the price, and by such means to destroy or limit legitimate competition in the production, manufacture, or sale of such articles. Violations of this act are punishable by fine not less than two hundred and fifty dollars; and for second offense not less than five hundred dollars; and the attorney general is allowed for each conviction, a taxed fee of fifty dollars, and one-half the fine received. Contracts in violation of this act shall not be enforced in any court. And corporations violating this act forfeit their corporate rights and franchises, and their corporate existence shall cease.

TEXAS.

The legislature of Texas convened January 8, 1889, adjourned April 6, 1889, passed one hundred and forty-three acts and seven resolutions, of which may be mentioned as of general interest and importance :

(1.) An act provides that hereafter any defendant in a criminal action shall be permitted to testify in his own behalf therein, but the failure of any defendant to so testify shall not be taken as a circumstance against him, nor shall the same be alluded to or commented on by counsel in the cause; *Provided*, That where there are two or more persons jointly charged or indicted, and a severance is had, the privilege of testifying shall be extended only to the person on trial.

(2.) An act designates the twenty-second of February of each year as "arbor day," to be devoted to the planting and cultivation of forest, shade and ornamental trees throughout the state, and to be observed for that purpose in such manner as may seem best to the people of each community.

(3.) An act authorizes railroad companies to provide separate coaches for white and colored passengers, which shall be

of equal character as to comfort, etc., and shall be designated by appropriate words and letters indicating the character of the coach. And conductors are empowered to enforce the separation of passengers of different colors. If any passenger upon a train provided with separate coaches for colored passengers shall ride or attempt to ride in a coach or division of same not designated for his or her color, after having been forbidden to do so by the employe of the railroad in charge of the train, he shall be guilty of a misdemeanor and punished by a fine of not less than five nor more than twenty dollars.

(4.) An act provides as to trusts and conspiracies against trade: That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of either two or more of them for either, any, or all of the following purposes: *First.* To create or carry out restrictions in trade. *Second.* To limit or reduce the production, or increase or reduce the price of merchandise or commodities. *Third.* To prevent competition in manufacture, making, transportation, sale, or purchase of merchandise, produce, or commodities. *Fourth.* To fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce, or commerce intended for sale, use, or consumption in this state. *Fifth.* To make or enter into, or execute or carry out any contract, obligation or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, commerce, or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool,

combine, or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

Any violation of this act is declared a conspiracy against trade, and any person engaged in such conspiracy, or aiding or abetting its commission, or who shall in any capacity knowingly carry out any of the stipulations, purposes, prices, rates, or orders thereunder or in pursuance thereof, shall be punished by fine not less than fifty dollars nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one nor more than ten years, or by either such fine or imprisonment. Corporations violating this act shall forfeit their charter and franchise, and their existence shall cease; and foreign corporations violating this act shall be prohibited from doing business in the state, to be enforced by injunction or other proper proceedings. Any contract or agreement in violation of this act shall be absolutely void and not enforceable either in law or equity. The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state. The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser.

(5.) An act to prevent the duplication of process for witnesses in felony cases, declares: When a witness has been served with process by one party it shall inure to the benefit of the opposite party in case he should need said witness, and as far as practicable the clerk shall include in one process the names of all witnesses for the state and defendant, and such process shall show that the witnesses are summoned for the state and defendant.

(6.) An act to provide for appointment of receivers, to define their powers and duties, and to regulate proceedings under such appointments, defines the cases in which a receiver may be appointed by any judge of a court of competent jurisdiction in this state, and prohibits the appointment as receiver of property in this state of any person not a citizen and voter of

the state and actually resident therein pending the receivership, and declares the forfeiture of the charter of any corporation owning property in and chartered by the state, securing the appointment of such inhibited person as receiver, and requires the attorney-general to effect such forfeiture by *quo-warranto* proceedings.

VERMONT.

The general assembly of Vermont, at the tenth biennial session, in 1888, passed one hundred and sixty public laws, twenty resolutions, seventy-seven private corporation acts, and ninety-seven miscellaneous private acts, of which may be mentioned as of general interest and importance:

(1.) An act relating to public instruction, being a revision of existing school laws, with additional provisions.

(2.) An act establishes a uniform rate for mileage tickets; and provides: All corporations, companies or persons operating railroads within this state, and all foreign railroad corporations, companies and persons operating, managing or controlling any railroad which is wholly or partly located within this state, shall procure, and at all times keep for sale at the principal stations on their roads, mileage tickets in the form of coupon books which shall contain not more than one thousand coupons; and the conductors on the trains shall detach from such coupon book one coupon for each mile traveled by the passenger in satisfaction of fare; provided that no single passage shall be granted for less than five miles of said one thousand miles coupon ticket. Such coupon book shall be good to all the members of a firm or family, if designated and named in the coupon book at the time of the sale and delivery of the same. Said book shall be of a convenient size. The railroad commissioners may in their discretion exempt any railroad from the provisions of this act.

(3.) An act to suppress bucket shops and gambling in stocks, etc., makes it unlawful to keep any place wherein is conducted or permitted the pretended buying or selling of stocks, bonds, petroleum, cotton, grain, provisions, pork or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold. Violations of this law are punishable by fine of from two hundred dollars to one thousand dollars; and upon second offense by six months imprisonment in addition; and in case of corporations, by forfeiture of charter. It shall not be necessary, in order to commit the offense, that both the buyer and the seller shall agree to do any of the acts prohibited, but the said crime shall be complete against any corporation, association, co-partnership or person, thus pretending or offering to sell, or thus pretending or offering to buy, whether the offer to sell or buy is accepted or not; and any corporation, association, co-partnership or person who shall communicate, receive, exhibit, or display, in any manner, any such offer to so buy or sell, or any statements or quotations of the prices of any such property, with a view to any such transaction as aforesaid, shall be deemed an accessory, and upon conviction thereof shall be fined and punished the same as the principal. A written statement containing the names of the parties from whom any such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold may be required by any customer for whom an order for purchase or sale has been executed; and in case of refusal promptly to furnish such statement upon reasonable demand, the fact of such refusal shall be *prima facie* evidence that such property was not sold or bought in a legitimate manner.

Whoever knowingly permits any of the illegal acts aforesaid in his building, of which he has the care or possession, shall be fined not less than five hundred dollars nor more than one thousand dollars, and any penalty so adjudged shall be a

lien upon the premises on or in which such unlawful acts are carried on or permitted. And it is made the duty of all judges of county courts, to charge all regularly impaneled grand juries to investigate and report upon all violations of this act.

(4.) An act to prevent betting on the result of elections, provides, that: "A person who ventures, wins or loses money or other valuable thing by betting (on the election of a person to an office), or a person, corporation or banking institution that shall receive or hold any money or other valuable thing ventured or staked (on the result of an election) shall be fined not more than one hundred dollars nor less than ten dollars."

WEST VIRGINIA.

The legislature of West Virginia, at the session of 1889, commencing January 9, passed thirty-two acts and fifteen joint resolutions; of which may be mentioned as of general interest:

An act creates and establishes a state bureau of labor, to collect and compile statistics relating to, and to provide for inspection of, the industrial establishments of West Virginia.

WISCONSIN.

The legislature of Wisconsin at the biennial session of 1889, passed five hundred and twenty-nine acts, two memorials, and seven joint resolutions; of which may be noticed as of general interest and importance:

(1.) An act in relation to the manner of conducting elections in cities of fifty thousand inhabitants, directs that each voting precinct be provided with two adjoining and connecting

rooms, one known as the inspectors' and voting room, and the other as the ticket room, to be used as such exclusively during the progress of any election. In the ticket room shall be kept a suitable table or tables, having compartments conveniently arranged, so that the voter may select his ballot, and where shall be deposited and kept tickets, which may be prepared for the use of voters by any political party, and delivered to the inspectors of election for that purpose, under the charge of a police officer detailed for that purpose. Each voter when in said ticket room shall be at liberty to select from the ballots kept there such as he may wish, taking one of each kind. Only one voter shall be allowed in the voting room at a time, where he shall, without delay, procure his ticket, and pass into the voting room, where he shall, if qualified, be permitted to vote; and immediately pass out. As soon as a voter passes into the voting room, another shall immediately be admitted into the ticket room. Candidates may have their tickets deposited with the inspectors of election at the time of voting, for the use of voters, to be kept in the immediate view and control of the policeman in or about the ticket room, who shall protect such tickets from being destroyed or mutilated. Soliciting of votes, destruction or mutilation, and secreting or carrying away of ballots of any political party or candidate at the voting precincts, is punishable as a misdemeanor, by fine and imprisonment.

(2.) An act to prevent espionage at public elections, to secure the independence of voters, to enforce the secrecy of the ballot, and to provide for printing and distributing ballots at public expense; which applies to all elections for public officers, except in cities of fifty thousand inhabitants, or counties containing such cities, and town and village officers. Candidates may be nominated by certificates of nomination of any convention or primary meeting of electors or delegates representing a political party; and by nomination papers of individual voters. Ballots shall contain the names of the party or political designation of the candidates, and the names of candidates.

arranged alphabetically; and on the back and outside of every ballot shall be printed, "official ballot for," followed by the designation of the polling place for which the ballot is prepared and the date of the election. In each polling place shall be furnished a sufficient number of places, shelves or compartments, with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, in which voters may mark their ballots screened from observation. Each qualified voter shall be entitled to receive from the ballot clerks one ballot, which shall be indorsed with their names or initials. On receipt of his ballots the elector shall forthwith retire alone to one of the places, booths or compartments provided, to prepare his ballots. He shall prepare his ballots by marking a cross after the name of the person or persons for whom he intends to vote, or against the answer which he desires to give to any question. In marking such a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth to assist him in marking the official ballot. After preparing his ballots, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed indorsement and the signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place; *Provided*, however, that any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed to have voted for all the persons named in such group whose names shall not have been erased. Any voter, by accident or mistake, spoiling his ballot, may, on returning it, receive another in its place. An election officer may assist the voter in preparing his ballot when he makes oath that he is unable to mark the same. No ballot shall be deposited in the ballot-box, or if deposited shall be counted, unless indorsed by the ballot clerks. Various penalties are provided for various offenses under this act.

(3.) An act in relation to evidence of title by descent, provides for the issuing by the county judge upon petition therefor, of a certificate of heirship to be recorded in the register's office of the county where the real estate is situated, which shall be *prima facie* evidence of the facts.

(4.) An act regulates and prescribes the disposition of the surplus of moneys contributed for charitable or benevolent purposes, and held in trust or otherwise, for relief of sufferers upon the occurrence of a cyclone, conflagration, or like calamity.

(5.) An act prescribes the proceedings to be taken for discharge from debts of insolvent debtors who make voluntary assignment for the benefit of creditors.

(6.) An act authorizes the governor to designate a day to be known as "arbor day," for the adornment of school and public grounds.

(7.) An act authorizing the exclusion of all minors not necessarily present as parties or witnesses, at the trial of causes of a scandalous or obscene nature.

WYOMING.

The tenth legislative assembly of Wyoming, convened January 10, 1888, passed ninety acts and ten resolutions and memorials, of which may be mentioned as of general interest:

(1.) An act codifying in one hundred and twenty-two sections the law as to negotiable instruments.

(2.) An act authorizing the governor to designate by proclamation an arbor day, to be observed for tree planting, which shall be a legal holiday.

Having made this analysis of the movements in legislation since our last meeting, I may be permitted, I trust, to close with some observations respecting the true place of the lawyer in an American commonwealth, and respecting also his public, no less than his private, duties. Americans having no personal sovereign, loyalty to the occupant of a throne is unknown to them. The ties which bind them together are the instincts of sympathy and self-preservation. Their sovereign is the collective body of the people, and these speak only through the laws. The judges are recruited from the lawyers; and the three classes, judges, advocates and attorneys, constitute the machinery by which justice is administered to the citizens. The legislatures, moreover, are recruited in a proportion large in number and preponderating in influence from the attorneys and advocates. The true place, then, of the lawyer in an American commonwealth is as a minister of justice. Upon him and his brethren; more than upon any other equal number of citizens, depends the good order of the State. As the soldier is first in a warlike nation, so the lawyer is, and must always be, first in a free and peaceful one. Of the committee which framed the Declaration of Independence, all were lawyers, except Franklin. The convention which framed the Federal Constitution consisted chiefly of lawyers. Of our twenty-two presidents eighteen have been lawyers; a majority of senators have come from that profession; and we all know the influence of the legal element in the House of Representatives. The training and discipline of lawyers in our American system and their notions of duty and honor, are therefore matters of concern to the whole body-politic. And for the lawyers themselves, whatever may tend to elevate them in their own just estimation, and in the just estimation of the public; whatever may enable them the better to understand their true calling and prompt them to fulfill it, should be the study of their lives. It matters little whether we call the profession a public office, or a private office for a public purpose, for we know that its members receive, at the outset, commissions from public authority, and

that their duties are threefold—to their clients, to the courts, and to the state. We are accustomed and proud to believe that our profession is one of the great conservative forces of society; that it forms a group around the judges, serving the double purpose of oversight and defense, and that it cherishes the sentiment of honor as religiously as it was ever cherished in the foremost ranks of the profession of arms. In the incessant conflict between law and lawlessness, an immense majority of lawyers have always stood on the side of law.

I do not mean that our profession has been the same at all times and in all places; it has had its periods of partial decadence as of exceptional elevation; its brilliant eras and its eras of routine. There was a time when it was thought unprofessional to solicit retainers. There was a time when it was thought unprofessional to share with the client the fruits of a litigation. There was a time when it was thought unprofessional to consider whether the defense of a client was popular or unpopular. There was a time when the discipline of the bar was supplemented, or rather, I should say anticipated by the self-discipline of each member. There was a time when the lawyer was swift to repel the suggestion that his calling had in it an alloy of trade, and was not purely professional. I do not say that the American bar has lost any of its eminent virtue or its eminent dignity, as I am sure it has not lost any of its eminent ability and learning, but I leave you to make a just comparison between the old and the new.

I do not know that I can give a better formula for the expression of the duties of lawyers to their clients and to the courts than in the language of section 511 of the completed "Code of Civil Procedure," prepared years ago for New York. It was copied in most part from the oath prescribed to advocates by the laws of Geneva. This is the language: "It is the duty of the attorney and counsellor:

"First. To support the Constitution and laws of the United States and of this State.

“*Second.* To maintain the respect due to the courts of justice and judicial officers.

“*Third.* To counsel or maintain such actions, proceedings, or defenses only as appear to him legal and just, except the defense of a person charged with a public offense.

“*Fourth.* To employ for the purpose of maintaining the causes confided to him such means only as are consistent with truth, and never seek to mislead the judges by any artifice or false statement of fact or law.

“*Fifth.* To maintain inviolate the confidence, and at every peril to himself to preserve the secrets, of his clients.

“*Sixth.* To abstain from all offensive personality, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged.

“*Seventh.* Not to encourage either the commencement or the continuance of an action or proceeding from any motive of passion or interest; and,

“*Eighth.* Never to reject for any consideration personal to himself, the cause of the defenceless or the oppressed.”

These several provisions contain, I think, a summary of the duties of lawyers to their clients and to the courts. The judge has a right to the assistance of the lawyer, who for that reason is bound to be frank with him. Not that a lawyer is bound to divulge the secrets of his clients even to the court, but with that exception he is bound to give it all the information asked concerning the conduct of the cause and the course intended to be pursued, and never in anything is he permitted to mislead it.

The question sometimes arises, whether a lawyer is bound to give his opinion to everyone who asks for it and offers a reasonable fee. I think he is, and especially do I think he is so bound so long as, in the present chaotic state of our laws, the client has no other means of knowing what the law is. The State does not inform him, and he can have no recourse but to the person who has waded through the chaos and dug out

the law. If one lawyer may refuse to give his opinion, so may any other, and the client be left in ignorance of his rights and his duties. Therefore, I think a lawyer is bound to deliver his opinion to every comer, with this qualification, however, that if he knows that his opinion will be abused for unlawful or unjust purposes, he should withhold it.

In respect of our duties to the State, I insist that we are far behind in the performance of them. I know that I am here treading on delicate ground; not pleasant, I fear, to many of my professional brethren, but I must speak my mind, nevertheless; especially in speaking from this place where, being for the occasion placed in front of my brethren, it is my duty to address them in sincere language. We are a boastful people; we make no end of saying what great things we have done and are doing, and yet behind these brilliant shows there stands a spectre of halting justice, such as is to be seen in no other part of Christendom. So far as I am aware, there is no other country calling itself civilized where it is so difficult to convict and punish a criminal, and where it takes so many years to get a final decision between man and man. Truly may we say, that justice passes through the land on leaden sandals. One of our most trustworthy journalists asserts that more murderers are hung by mobs every year than are executed in the course of law. And yet we have, it is computed, nearly seventy thousand lawyers in the country. It is difficult to make an exact computation, but we know that there are about eleven thousand in the State of New York, which has a population of six millions. Taking the population of the country to be sixty millions and the proportion of lawyers the same as in New York, we should find an army of more than one hundred thousand strong. Reducing the proportion, however, to half that of New York, we should still have fifty-five thousand from the rest of the country, making sixty-six thousand in all. A more accurate estimate may, perhaps, be gathered by referring to the appendix of the report presented to this Association four years ago. Twenty-seven states outside

of New York, containing a population of thirty-four millions, are there said to have about thirty-five thousand lawyers. There remain after these states and New York, fourteen other states, five territories, and the District of Columbia, with a population of twenty millions; and these should, in the same proportion as the twenty-seven states, have over twenty thousand lawyers, making a total of sixty-six thousand. Compare this proportion with that of other countries. France, with a population of forty millions, has, according to trustworthy statements furnished me, six thousand lawyers and two thousand four hundred other officials who do the work of attorneys with us; and Germany, with a population of forty-five millions, has in the same category seven thousand. Thus the proportion of the legal element is, in France, one to 4,762; in Germany, one to 6,423; in the United States, one to 909.

Now turn from the performers to the performance. The report just mentioned contains, in text and appendix, a statement of the length of time required in the courts of the country for the final decision of a lawsuit, and a melancholy record it is. "It appears," says the report, "that the average length of a lawsuit varies very much in the different states; the greatest being about six years and the least one year and a half." I might add that very few states finish a litigation in this shorter period. Taking all these figures together, is it any wonder that a cynic should say that we American lawyers talk more and speed less than any other equal number of men known to history.

The talking and the writing that we suffer are wonderful to hear and to behold. Our formal documents, deeds, bonds, mortgages, insurance policies, bills of lading, charter-parties, and numberless other contracts, in the older states and sometimes in the new, are marvels of iteration and expansion, centuries old, musty and rusty. We cling to them all the same. If life were thrice or twice the allotted term of threescore years and ten, we might, perhaps, keep on reading and writing the old

phrases, and might listen complacently to the long harangues which salute us whenever we enter the courts, reminding us of Hamlet's bitter reply, "Words, words, words!" and we might possibly read with patience the dissertations that fill the law-books; but life is too short and patience too weak. I know no parallel to the cataracts of words resounding in our ears, save in the diverting play of "Bombastes Furioso," from which pardon me if I take this pregnant extract :

"A blow, shall Bombardinian take a blow?
 Blush, blush, thou sun; start back, thou rapid ocean!
 Hills, vales, seas, mountains, all commixing crumble,
 And into chaos pulverize the world!
 For Bombardinian has received a blow,
 And Chrononkotonthologos shall die. * * *
 Ha! what have I done?
 Go call a coach, and let a coach be called;
 Let him that calleth be the caller,
 And in his calling, let him nothing call,
 But coach! coach! coach! oh, for a coach, ye gods!"

Need I add that you and I have read legal documents and heard forensic harangues, which in point of iteration, or inconsequence, or grandiloquence, might vie with this precious morsel.

The delays in the administration of justice are scandalous. We have quite forgotten the ancient maxim: "*Bis dat qui cito dat*," although it is as applicable to the awards of justice as to the gifts of beneficence. There is no reason in the nature of things why any lawsuit, if the witnesses are within the jurisdiction, should not be determined within a year from its beginning. When a litigation has run through the four seasons it has run long enough. Twelve months are as long as an American citizen should be obliged to wait for justice, and I think it should be deemed a fundamental precept to all lawgivers and ministers of the law, that the judicial force be so arranged and the methods of procedure so contrived that the end of the year from the beginning of the process shall see the end of it.

I have said thus much of what I call the private duties of the lawyer—that is to say, his duties to his clients and to the courts—that I might not appear to have omitted anything so important and so fundamental, and I have spoken of so much of his public duties—that is to say, his duties to the State—as relate to the administration of justice. I wish now to mention his duty to help remove patent defects, and from time to time improve the law, and his further duty to help diffuse among the people a knowledge of all the law of the land.

That great defects exist, lawyers know and other men feel. How could it be otherwise? The bulk of our jurisprudence came from our forefathers, it is true, but from forefathers of a different age, different geographical position, and different political and social institutions. That the changes which these differences require have not been marked out by the lawgiver, is one of the anomalies in history, to be explained only by the exacting labors of a recent people, and the immobility, or what philosophers call the *vis inertiae*, of the legal profession. An English journal not long ago described our legal condition in this uncomplimentary language: "The British king and the British parliament still lay down through the law which proceeded from one or the other of them, rules of life for Americans which they dare not disobey. The old idea that the law is the perfection of human reason, has very much died out in the country which once believed in that audacious maxim, but it is still acted upon by Americans as if it were true, and the lives of three-fourths of the nation are affected by it at every turn." This is a true indictment, and I wish those of our people who are fond of quoting English opinions and aping English manners would lay it to heart.

Of course, so long as the law remains in the chaotic state which I have described, it is impossible to condense and arrange it in the manner required by the needs of the citizen. What is required and what must at sometime or other be undertaken is a treble process,—the process of elimination, the process of condensation, and the process of classification.

This performance would make a code, call it by whatever other name you please. You might make its provisions more or less general, it would be a code all the same, and would give to the citizen a view of the law as a whole, enabling him the better to understand, not only his rights, but what further legislation might be needed to protect them. That such a work is the inevitable outcome of American institutions, I am confident, and I beg leave to commend it to your earnest attention. Many lawyers are frightened by the idea of a code, or, rather, I should have said, by their idea of one. They imagine it to be revolutionary, something that would take away the substance of what they are accustomed to, and force them to learn a new system. These persons greatly err. It surely is not revolutionary to set in writing what has already been decided, and of course has been spoken or written by somebody somewhere. It is not revolutionary to condense the utterances that have been made from the bench in hundreds of years. It is not revolutionary to arrange the several propositions thus evolved. No spectre is here to frighten anybody.

The arguments for and against a code have been so fully discussed that he who runs may read; though I fear that many of my professional brethren do not much concern themselves with such discussions. I shall not here enlarge upon what I conceive to be the advantages of codification to the lawyer and the judge; I will regard it only in its relations to the great body of citizens; and I insist that it is the first duty of a government to bring the laws to the knowledge of the people. That the laws of the land should be known to all who are to obey them, and known beforehand, should seem to be political axioms and self-evident. Need I add that these axioms are in practice disregarded and, I might say, almost universally disregarded. Of the forty-two states of this Union, there are but five—California, North and South Dakota, Georgia and Louisiana,—which have attempted to give to their citizens the whole body of their laws. Indeed it is avowed by a great many, perhaps a majority

of the lawyers of the country, that such an attempt should not be made; that it is better for the judges to make the law as they go along and to make it after the transactions to which it is to be applied. Such may not be in all cases the language of these arguers, but such is the real purport of their argument. To state the argument is to refute it. Do not answer by saying that this is an unfair statement of the fact, and that, in reality, the judge does not make a new law, but discovers an old one and applies it to the case. Then, I ask, why was not this old law written out and given to the contestants beforehand that they might know how to act? You reply, that the old law was, in fact, hidden away, and dug out by the diligence of the judge and counsel after the occasion arose for applying it. Then, I rejoin, why not begin with the process of digging out and bringing to light? The adversaries of codification stand in this dilemma. They must insist either that there are no old laws as yet unwritten, or that all are written somewhere. Now, if they are written anywhere, they exist for the whole body of citizens, not alone for the lawyers, and therefore should be put into a form where the citizens can find and understand them. This can be accomplished by no other means than by collecting, condensing and arranging them. That duty, I insist that we—you and I—are bound to fulfill.

We take, in my opinion, but a very narrow view of the obligations of our profession, when we leave out of it that of improving the laws we help to administer. One who is content with applying these as he finds them, solacing himself with the idea that it is no part of his business to help make them, or to make them better, has an imperfect estimate of his calling. His obligations are, in fact, commensurate with his opportunities, and these are greater than those of any other class of citizens. He sees more clearly what is needed, and he knows better how to supply it.

A great many members of our profession have a superstitious reverence for the law of precedents, or what they call the

common law of England. Let me remind them that a late Chief-Justice of England pronounced the present condition of the law of his country to be simply chaos, and that Lord Campbell, in his *Lives of the Chief-Justices*, writing of Lord Mansfield, uses this language: "He formed a very low, and, I am afraid, a very just estimate of the law of England which he was to administer. * * * His plans seem to have been to avail himself, as often as opportunity admitted, of his ample stores of knowledge acquired from his study of the Roman Civil Law and the juridical writers produced in modern times by France, Germany, Holland and Italy."

The common law of England, at the time of our Revolution, was divisible into two portions, one public and the other private. The public portion, with its three great branches, trial by jury, *habeas corpus*, and representative assemblies, was worthy of all commendation. Its private portion, that which related to land and private obligations, was but little advanced beyond the region of semi-barbarism; most of the good which it had, and of that which it has since accumulated, was the contribution of the Romans, that magnificent people which once ruled the world by the sword, and have since held a half dominion by the silent empire of their laws. When the apostle to the gentiles was accused by his countrymen, he appealed not to the laws of his nation, but to the laws of Rome. "It is not the manner of the Romans," answered the Roman Governor to his accusers, "to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself, concerning the crime laid against him." During the century that has elapsed since our Revolution, the laws of England, and of America following in the footsteps of England, have gradually gathered to themselves fragments of many other laws, and have elaborated many that are new, until at last we see spread before us the vast conglomerate of to-day. Let us collect and bind together in their appropriate places what we have, and then we can the better tell what more we need.

My closing utterances from this place to the members of this Association, and to all the members of my profession as well,—a profession to which I have devoted a long life, and which I greatly honor,—shall be in these few words: You must, of course, be true to your clients and to the courts, but you must also give speedy justice to your fellow-citizens, more speedy than you have yet given, and you must give them a chance to know their laws.

ANNUAL ADDRESS,

DELIVERED BY

SIMEON E. BALDWIN.

THE CENTENARY OF MODERN GOVERNMENT.

The closing quarter of this century has been, and is still to be, crowded with great anniversaries. A long series of American centennials is soon to close with that of the voyage which first really added the new world to the old, and our greatest cities are contending in generous rivalry for the honor of its fitting celebration. England, last year, commemorated the peaceful revolution which set William of Orange on her throne, and France is now on fire with the recollections of the fiercer struggle that, a century later, re-created her institutions.

But among all these centennial years this in which we are now met stands out the first, because it has more than a national significance. It closes the centenary of modern government. Modern languages, modern literature, with its spirit of free inquiry, modern civilization and discovery bringing in powers and necessities, unknown before, had all given their new life to society before Europe began to demand political freedom. It was the incapacity of a highly civilized society, merely as such, to satisfy the human soul, that drove men to a new opening for their energies in public life and in the public good.

James Wilson, in the Convention by which Pennsylvania ratified our National Constitution, declared that the science of government seemed yet to be almost in its state of infancy.

It was not because mankind were unfamiliar with the different forms governments may assume, or the different ends they may serve. It was known that they might be constituted simply for the good of the governed and by their consent. We had had free constitutional commonwealths on our own soil, since the days of the Puritans, the sturdy outgrowth of the life of a liberty loving people. But those colonial republics, such as Connecticut and Rhode Island, had nothing in them of the nation. If, for a few years, they claimed a kind of autonomy, it was soon gladly exchanged for a chartered dependence on the British crown.

In Europe there had been democracies and republics through half the history of the human race, but which of them deserved the name or earned the place of a constitutional government? England, if any. England had tried and executed one king, and had driven another from her throne a hundred years before the Federal Constitution was adopted; but England was still a monarchy, supported by an hereditary aristocracy, and a corruptible and corrupted Commons, and limited by nothing stronger than traditions, as they might be interpreted by judges appointed by the crown. Frederick Robertson said, forty years ago, that he would close his bible forever if he did not look for better times for England—times when merit should find its level; when worth should be interpreted by what a man is, and not by what he has, nor by what his relations have been.

The Declaration of Independence brought in such times to America. If for the next quarter of a century there lingered too much deference for distinctions of birth; if for the last quarter of a century there has been growing up a new power of property to give the rich too much of public consideration; these tendencies, at most, have been too slight to affect the main current of American life. It has swept on towards a true liberty, equality, fraternity; truer than has ever yet come to the great nation where first those words were linked together; because she sought them by the path of destruction. She was

driven by a sad history to seek them there. But to American soil they had been borne by friendly hands a century before. The Mayflower brought with her more than her company of Pilgrims :

" Laws, Freedom, Truth, and Faith in God
Came with those exiles o'er the waves."

And the spirit of Puritanism was nobler than Puritanism. They " builded better than they knew." It may be that the spirit of New England Puritanism was nobler than the spirit of Puritanism in the land they left. It looks so, as we review the history of their century, and see England turn so sharply from the austere simplicity of the Commonwealth to the gay license that came in with Charles the Second. No such revolution of public feeling marked the return of the Stuarts, in the American colonies. No man here had been acting a part. Institutions had been founded on ideas, not on military successes or political triumphs. Those ideas, no doubt, fell short of the ideals of the Americans of those days, as they fall short of ours ; but their direction was right. They heralded the approach of modern government. For the first beginnings of its actual, its acted life, we look to America ; for the first beginnings of its philosophy, we look to France.

France was to the statesmen of our revolution what Greece in her days of greatness was to early Rome, the source of intellectual and political inspiration. They looked to England for precedents, to France for principles. The same year (1748) had given to the world the studies of Pothier and d'Aguesseau in Roman law, and of Montesquieu on the spirit of laws in general. In the youth of Jefferson and Adams, of Madison and Hamilton, Montesquieu's definitions of jurisprudence, his rule for the threefold division of power, his limitation of republican government to small states, were the talk of the day.

France and America were both preparing, though they hardly knew it, to put these philosophies to a test.

The two countries had before them, each, a very different task. Both were to reform their political institutions. But

France had also to reform, to re-adjust, to re-constitute, the relations of her people to each other.

The States General was a gathering of classes around a sovereign. King, nobles, clergy, commons met to work some unknown, yet inevitable change in their mutual attitude. The law might thenceforth make all commons, all sovereigns; but generations must pass before such a law could be a living thing. When a society is re-constructed from turret to foundation stone, by some fiat of legislation, make it what you will, and it remains still but a castle in the air, till long years have made men used to their new conditions. Then first will liberty, if it was gained, become a real possession, because then only will it be known for what it is.

No such issue lay before the American people, when our States General—the representatives of their thirteen free commonwealths—met at Philadelphia in 1787. There were no hereditary privileges to attack, no absolute power to check, no classes to harmonize.

It was in this very month, a hundred years ago, that the people of France, represented in a National Assembly, published their memorable Declaration of the Rights of Man. The States General, out of which that Assembly sprang, had been convoked for the first time for a century and a half. There is something majestic in the gathering of such a body, to be called into existence only at vast and unknown intervals, on some great emergency of State. So men felt, whatever their religious faith, when the Church of Rome brought together, twenty years ago, at the Vatican, the first council of her prelates throughout the world, that had met since that assembled at Trent three hundred years before, to stay the progress of the Protestant Reformation. So it was when the delegates of the American people, for the first and last time met in convention in 1787, to frame a Constitution that would perpetuate their union. Such an assembly, with its far-reaching powers, untried by use, may precipitate or it may prevent a revolution.

When President Harrison, last spring, stood in New York, on the spot where, under his great predecessor, the first true government of the United States began, to celebrate the close of its first century, no memories were recalled but those of peace. But when, a week later, President Carnot, at Versailles, met the legislature of the French Republic to commemorate the anniversary of the opening of the States General, no-one could forget the reign of terror that had so soon followed the reign of despotism. The States General had met in the beginning of the seventeenth century. They met next at the end of the eighteenth. During that long stretch of time France had had no government but the King. While Virginia was forming her House of Burgesses that brought representative government into America; while the Puritans were constituting Christian commonwealths in New England; while all the English colonies on this continent were slowly learning the true maxims of civil liberty; while the leaders of our revolution were growing into statesmen by slow experience; Frenchmen could know the principles of politics only by study of books, or by observation in foreign lands. We cannot wonder then that France, in 1789, felt that as for her civil institutions she had nothing to preserve; that all were bad, and that to abolish all was her first duty.

In his commemorative address, on the occasion I have just named, President Carnot declared that this meeting of the States General created a new era in history, and founded modern society.

It is a bold claim for any people to make that by one national event they have changed the current of human history. It has been made by Americans, for the social compact, signed upon the Mayflower; for the early Constitution of Connecticut; for the Declaration of Independence; for the formation of the Federal Constitution. But the real, unsolved problem of government, in 1789, was to make and keep a great people free; not any infant colony of Plymouth or Connecticut; not any petty republic of Attica or

San Marino; not even any cluster of States, bound together while fighting for independence; but a great people, spread over a great territory.

Bear in mind that the United States of 1789 rested on a Constitution made two years before, subversive and destructive of an earlier Constitution agreed to as perpetual; and that of our thirteen States two had deliberately refused to accept the second. To the National Assembly of France, as to the ministry of Great Britain, it seemed, in 1789, that the American experiment had already failed.

But modern government was not to be compassed in a day. For one thing it needed a revival of that spirit of national patriotism that had been dead or sleeping since the days of the Roman republic.

Patriotism had been the keystone of virtue to the ancient world. It had glorified with immortality the pass of Thermopylæ, and made men deem a few sprigs of laurel or a street procession the most precious thing in life. But from the day that Brutus trampled on human love, for love of country, to the day when the dagger of political assassination re-appeared in Europe, in the hands of a woman, and Charlotte Corday slew one of the new Cæsars of new-born France, the very word patriotism had gone out of the speech of men, and almost out of the thought of poets. Loyalty had usurped its place: the bond to law, not to country; to your King, your feudal lord, not to your fellow citizens; to the church universal, perhaps, not to the altars of your own community.

"Patriotism," said Johnson, after the American Revolution had done its work, "is the last refuge of a scoundrel." "Patriotism;" wrote Lessing a few years before, "is, at the highest, a heroic weakness which I am very glad to be without." The world had been without it since the first century of the Christian era. It fell at Rome, when free government fell. It found no help in the Christian church. That had for its purpose the submission of all nations to a common faith, and it strove for a thousand years to achieve it by

subordinating civil to ecclesiastical authority. The spirit of individualism arose, in protest, and put manhood before citizenship. The middle ages rolled away; the Renaissance was followed by the Reformation; the Stuarts yielded to the Commonwealth, the Commonwealth to the Stuarts; the new world was peopled with European colonies; and still the life of modern society was unconceived.

The light broke when French philosophers asserted that correlation of forces in political power, by which a true socialism complements a true individualism; by which the authority, which must always be administered by a few, shall be constituted and controlled by the many; by which, as Mill has said, "the importance of the masses becomes constantly greater, that of individuals, less."

France has made the "ideas of Eighty-nine" a familiar phrase, but they were only the acted expression of ideas struck out on the same soil a generation before. And modern government has risen out of them but slowly into form. The key with which the spirit of our time unlocks all mysteries, the law of evolution, life-giving and life-lifting, has done its work. In institutions, as in animated nature, there is the struggle for existence, and the survival of those fittest to survive.

And what, as we review the century, has been achieved, what retained, and what discarded? How has socialism been blended with individualism? What new ends have been proposed for legislation, what new immunities secured; what new chapter of liberty opened?

We must answer, first, that modern government does not concern itself only with the material well-being of the community. *Magna Charta* is no more its measure than is the Decalogue the measure of Christianity. The right to personal security, to property, to trial by one's peers, to tax one's self, —these were the ultimate ends of ancient government. Modern government retains them all, but adds the right of equality before the law, and in the law; the duty in civil matters to

ignore distinctions of religion; the duty of spreading education, information, intelligence, at public cost.

If I were to say which of these things was in the highest sense the fruit of this last century, I should name religious liberty.

Nowhere, until the last part of the eighteenth century, had the State been kept totally separate from the institutions of religion. The original beginning of human society, in the family, the clan, the tribe, made the patriarch also the priest. The household gods were peculiar to the household; the national gods to the nation. Religion was a part of patriotism. Rulers might change; kings might give place to republican magistrates; but the national deities, the national worship, would remain the same. *Pro aris et pro focis* was the watchword of war.

Christianity came, and found the world subject to this law. But the spirit of Christianity was universal, catholic, not national. Its kingdom was not of this world. As, however, its doctrines spread, and as some of them began to be but half understood by those who taught them, government turned to it for aid. It became a part of the imperial system; when that fell, it conquered the conquerors, and for fourteen hundred years was the stay of every civilized government in Europe and America.

The religious liberty for which the Puritans crossed the sea was simply liberty to make their form of religion the law of a new community. Rhode Island, with her utmost toleration, allowed no Roman Catholic in public office until long after the Declaration of Independence.* In Protestant Europe, as in Catholic Europe, the union of Church and State remained unbroken. Men had risen up against the tyranny of ecclesiastical power; men had pulled kings from their thrones and set up others, or set up none. The same struggle against unjust

* 1783.

government had sometimes been shared by those who attacked the church and those who attacked the State. The same leaders might indeed attack both, but they seldom attacked or questioned the union of both. In England the Puritans fought against Episcopal, the Republicans against royal tyranny; but both were ready to bind the Commonwealth to another form of national religion.

A State church had, no doubt, been long the scorn of atheists and indifferentists; but it endured until religion itself rose to the level of rejecting it; until Christianity came to see and teach that there are two worlds about us, the world we live in knowingly, the world of time, the world of the body, and the mind; and the world we live in unknowingly, the world of eternity, the world of the spirit; that governments belong only to the world of the present, with no larger life than it can give; that they are less than the men they govern, and when they have sought to give laws to the human spirit, have opposed themselves to the order of the universe.

Modern government began when the State withdrew from its long alliance with Christianity.

It was a natural epoch in the history of individualism. Family, patriarchal, tribal governments, had rested on a family, patriarchal, tribal religion. The teachers of Christianity had sought to make one family of all nations, under the Church of Rome, and had failed in the attempt. The Protestant Reformation had—so far as governments were concerned—done little except to put the power of the church into the hands of the civil magistracy. But, so far as individual men were concerned, it had declared a new right of private judgment in matters of religion. And, however kings and legislators may have endeavored to reconcile this right with religious establishments at the common cost, the struggle has been a hopeless one.

Nor need I say that religion has nowhere suffered by being left to itself. In Leipsic, for instance, where a certain form of

religious establishment exists, with a population of nearly 200,000, there are now but six churches in which Sunday services are regularly held. In no American city of that size would there be found less than a hundred; and it is on American soil that disestablishment had its earliest and has struck its deepest roots.

Virginia, in 1786, in a statute drafted by Jefferson, proclaimed it "to be a natural right of mankind that religious opinions shall never affect civil capacities, and that no man can be compelled to support any religious worship." This declaration, soon translated into French and Italian, was circulated widely in Southern Europe. Madison had defended it in the legislature with his accustomed vigor. The question, he said, had been stated by the opponents of the bill, as if it were, "Is religion necessary?" But the true question was, "Are establishments necessary for religion?"

Next came the Ordinance of 1787, to lay the foundations of government for the vast territory out of which sprang this State, in which we meet, and her great sister commonwealths of the northwest. It has not the ring, upon this point, of the statute of Virginia, but it does declare that no person shall ever be molested on account of his mode of worship or religious sentiments, so long as he keeps the public peace.

That same summer, the convention that framed our Constitution was sitting with closed doors in Philadelphia. Their work was, no doubt, in the main, a re-arrangement of existing materials. It took American institutions and put them in a new order and combination. But it did more.

Every delegate came from a State where some civil distinctions had always flowed from religious distinctions. There was, probably, no one of them who would not have considered himself an adherent of the Christian faith. The leaders were familiar with the political philosophy of antiquity, and with that of their own day; with Montesquieu and with Adam Smith. They found an unbroken current of authority in favor of uniting civil and religious institutions, to some extent, in

every government. And yet, at the call of the youngest of them, Charles Pinckney, of South Carolina, fresh from his law studies in the Inner Temple, they were ready to take this great step forward, by forever prohibiting all religious tests for office or public trust, under the United States. He made the proposition a month after the enactment of the Ordinance of 1787. The committee of detail, to which it was referred, took no notice of the suggestion in their report; but Pinckney secured its adoption as an amendment, and it stands as the close of the last Article but one.

In advocating the ratification of the Constitution in the South Carolina Convention, a year later, he insisted on this feature as all important. There was, he said, but one great government in Europe which provided for the security of private rights, and that withheld from part of its subjects the equal enjoyment of their religious liberties. Avoiding this error, we were to "be the first perfectly free people the world had ever seen."*

At this time, we must not forget, and for forty years later, the Test Act and Corporation Act of England excluded all men from office who were not members of the Church of England. Most of our own states retained some religious test as a qualification for the higher offices, and religious establishments were not forbidden in any, and expressly provided for in the Constitutions of six.†

This opening public trusts to all men, on an equal footing, found warm support from the leaders of the clergy, even in New England, where their influence was strongest. Fifteen ministers were members of the Massachusetts Convention, and all but one voted for the ratification of the Constitution.

"Many," said one of them, the Rev. Isaac Backus, with reference to this abolition of religious tests, "appear too much concerned about it, but nothing is more evident, both in reason

*4 Elliott's Debates, 319.

† Delaware, Georgia, Maryland, Massachusetts, New Hampshire and South Carolina.

and the Holy Scriptures, than that religion is ever a matter between God and individuals. . . . The imposing of religious tests hath been the greatest engine of tyranny in the world."*

"God, alone," said Rev. Phillips Payson, in the same body, "is the God of the conscience; and consequently attempts to erect human tribunals for the consciences of men are impious encroachments on the prerogatives of God."†

The provision against religious tests for office left Congress still free to set up a religious establishment. One may well fall without the other. Such has been the slow course of English history. But when the sons of New England Puritans, New York Churchmen, Pennsylvania Quakers, Maryland Catholics, Virginia Cavaliers, Huguenot Carolinians, came together to join their independent commonwealths in a national life, they could not fail to see that church unity was impossible. The very fact that so many of our States had had a state religion, was the strongest argument why the union should have none. New Hampshire, where Roman Catholics were debarred from office until 1877,‡ was the first to propose a further guaranty of religious liberty as an amendment to the Constitution. Virginia and New York acted promptly in the same direction, and it was for want of this, among other provisions, that North Carolina refused to ratify the Constitution at all. At the first session of the first Congress, such an amendment, as we all know, was proposed to the States, heading a list of twelve; fitly placed first, because the most important, the most novel of all.

The National Assembly of France was also moving towards the same end, and there, too, the mass of the clergy were, at first, with the reformers. Progress in Europe has been naturally slower than with us, for there was more to surrender. The support of the nation has often been accorded to different churches, on equal terms. There has been disestablishment

* 2 Elliott's Debates, 148.

† *Ibid.*, 120.

‡ June 21, 1788.

in one part of a country, and not in another. But, it is safe to say that in no country of Christendom is any church connected with the government in the same close way, in which it was throughout the course of ancient society.

And this again has thrown new functions on the State.

The church, in former days, had the general charge of education. It collected the scholars, it supplied the teachers, it paid them, it regulated their work, and saw that its own doctrines and discipline were made a part of all instruction. But when it could no longer draw from the public treasury, or when the State went one step further and deprived it of its accumulated possessions, this duty of education became a public one. The more ignorant the people, the firmer the government, when that government exists for others' benefit. But give the people real power, and they must be taught how to use it, if you would not have it used to their destruction.

I do not forget that public education had been the child of New England from the days of the Puritans. But only in this century has it become national, and, we may say, universal in free governments.

It was the French Constitution of 1791 that really introduced it as a feature of modern government, on a great scale; and Germany adopted the principle of compulsory education when it was, even here, but a half-tried experiment.

That the ideal State should rest on a basis of public instruction is indeed no idea of modern times. When Plato sketched his plan of the republic of the future, he set it on that foundation. It was the hope of Harrington; the practice, as I said, of the New England Puritan. It was for our times to extend it to great nations, at the cost of millions; to bring it even into Oriental government, so that in Japan, to-day, there are 30,000 public schools, nearly 200 colleges, and two great universities, all largely supported from the imperial treasury.

But this transfer of a great prerogative from the Church to the people has its inevitable dangers. If there is a national peril towards which we are now drifting, it lies in this direction.

It is the question of the right and duty of the State as to education in matters of religion.

It is the law of many of our states that every child must be educated to a certain point, either at a public school, or under private instruction. The Roman Catholic Church has always believed that religion, and the religion which it holds itself, is a necessary part of all true education. It has, during the last decade, taken formal issue with the American public school system and organized a system of its own, of parochial schools. Whether this policy be right or wrong, there should be, surely, the fullest liberty to pursue it. Laws have been recently proposed in more than one of the States, to forbid the use of any text-book in a private school, not examined and approved by some public authority, and even to make it penal to use influence upon a father to induce him to take his children out of a public school. If such laws ever come to be enacted, it would be indeed a sign that the principles of American liberty are losing ground.

The State Church was never without a State University, and it was a fitting thing that the hand which drew the Declaration of Independence was also that which sketched the plan for the first great State University in America. The epitaph of Jefferson, written by himself, names but three events in a long life of public service, and they epitomize the history of American liberty. "HERE," say the solemn words,

"HERE LIES BURIED

"THOMAS JEFFERSON,

"AUTHOR OF THE DECLARATION OF AMERICAN INDEPENDENCE,

"OF THE STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM,

"AND FATHER OF THE UNIVERSITY OF VIRGINIA."

The influence of an established Church, also, in literature was always a controlling one. The great libraries, from which all good books grow, were founded and maintained by its revenues. Modern government has inherited this function,

and the public library, free to all, and open to all books, from vast collections, like the British Museum, to the book-case in the country school-house, is the great gift of the age towards a larger national life.

The State Church was a great bureau of registration, tracing out where it was strongest, by its entries of baptisms, marriages, and funerals, the course of every individual life. The place of this is now everywhere supplied by a system of public record offices.

In thus separating from any political union with the church, the State does not cease to regard it as a natural ally. And, in token of this, an exemption from taxation of property held for religious uses of any kind, is almost universally conceded, the equivalent, of course, of a large annual grant from the treasury. Government seeks no longer, from the Church, the aid of any divine sanction for constituted authority, but it still recognizes religion as the best teacher of morals, and therefore the best friend of public order among a free people.

The exclusion of the Church, with its paternal authority and paternal bounty, from a voice in government, has contributed greatly towards the development of that State socialism, which no civilized country is now wholly without.

It begins with giving free schools, free libraries, perhaps free universities; but it does not stop there. It establishes parks, museums, galleries of art; builds railroads, and controls them; inspects the tenement house; lays paved side-walks in every village. It arranges this vast system of national and international mails, by which two cents takes a letter from Boston to San Francisco, and five cents carries it to Tokio or Australia. It regulates the hours of labor, the age of labor. It throws new duties on the employer. In Germany, where State socialism goes farthest, it forces the laborer to insure himself, out of his wages, against the chance of future want,

as we have long compelled our seamen to insure in the same way against sickness or disability, by payments to the Marine Hospital fund.

But while State socialism means more in one country than another, modern government has one universal characteristic—popular representation in the legislature, based on a wide and constantly widening grant of suffrage.

There were hardly any of our American States, a hundred years ago, which did not demand that the elector should be a tax-payer. There are hardly any now that do require it. England has reached almost the same result. Germany, France, and Greece have gone beyond it, and made suffrage universal. Every citizen is incorporated into the German Empire by taking him through a public education and military service, up to the ballot-box, on equal terms.

The republic is but one form of modern government, but this republican principle of a broad suffrage is at work in all. Its inevitable tendency is towards the universal abolition of class distinctions; a tendency stronger, of course, in proportion to the freedom and equality already gained. It was this that forced negro suffrage upon the South at the close of the civil war. There were weighty reasons against thus pushing the freedman at once into the ranks of the electors. He belonged to a race that has known little of political power, and done nothing to prove its fitness to enjoy it, and he had been reared in ignorance and dependence. But negro suffrage was an American idea. It prevented the formation of a new social class. Laws had already been passed in several of the Southern States—"apprentice laws"—which would soon have formed one, had a class of freedmen survived the war. The negro has often used the suffrage ignorantly, selfishly, unwisely. You and I may sometimes have done the same. But when he received the gift and passed into the great circle of American citizenship, the last class less than citizens was abolished, I hope forever, from American statute-books.

Nor was it, as an indication of political development, to be compared in significance to the movements in a similar direction in England, beginning with the Reform Bill of 1832, and ending with the vote last May in the House of Commons, when 160 members declared themselves in favor of abolishing all hereditary seats in the House of Lords, and the government could muster but about 200 to defeat the motion.

The grant of suffrage to women is now becoming common in municipal elections. It has been tried in those of a more public character. If I were to forecast the future I should say that whether modern government in Europe is to tend towards republicanism or towards monarchy, will depend in no small degree upon its treatment of this question. Goethe has declared that women love order rather than freedom. If the number of voters is doubled by their admission to it, the stability of settled dynasties and the glitter of courts may find a new support against any movement towards the rough changes of republican administration.

Modern government makes the ballot more and more the instrument of suffrage, even in legislatures. The change in this has been almost revolutionary.

In England, landlords seeking to control their tenants, employers seeking to control those in their service, established interests seeking to prevent reform, and sentimentalists relying on the dignity of manhood, had combined to exclude it from her institutions. Even in the Municipal Corporations Act of 1835, the ballot in municipal elections was made an open one, with the name of the voter who cast it written upon each.

Our own colonies passed into independence under the influence of the same ideas. Down to 1787 the State of New York had always elected the members of its legislature by acclamation, and its first Constitution permitted a change to election by ballot simply as something worthy of a "fair

experiment"* and subject to a return to the old system, if the legislature should decide that the experiment was unsuccessful.

But no free nation has ever adopted the ballot and then discarded it, unless she was ready to discard her freedom. The ends of modern government demand it in its completest form. It was for remote Australia to revive this form, after the lapse of two thousand years, and give the world again the secret ballot as Cicero knew it, when he described it as the *vindex tacitæ libertatis*. The Roman ballot, under the Gabinian law, was furnished by the State, and bore the names of all who were in nomination, the elector marking by a point that of the candidate whom he preferred. The interplay of national influences, so characteristic of the age, was never more conspicuous than in the re-introduction of this plan in modern use. Successful in Australia, England, under the lead of Gladstone, did not disdain to follow one of her youngest children in extending it to Parliamentary elections, and now our own States are adopting it in rapid succession.

Modern government is coming to put a new limitation on the suffrage—that the majority shall not govern.

Minority representation in office is the invention of the last half of the century, both as regards elections by districts of inhabitants of the district, as distinguished from voting for a general ticket, and as regards voting for less than the number to be elected.

Twenty years ago this latter plan was adopted by the British Parliament for the election of its own members from some of the larger constituencies, and a few years later the cumulative vote became a part of the elective system of this State for members of its legislature, and was adopted by Pennsylvania for the government of her private corporations. In our municipal corporations, one or the other of these methods is rapidly becoming the rule for the election of all official boards.

* Poore's Charters and Constitutions; II., 1333.

But with all these changes in the range and mode of suffrage, the power that goes with it, as distinguished from the numbers by whom it is shared, has not risen to the height anticipated in the "ideas of '89," as these were formulated then, in the Constitution of the French Republic. Sovereignty, they said, belonged to the people. It was one and indivisible; imprescriptible and inalienable. One generation could not bind succeeding generations to its laws.*

Jefferson's private correspondence shows that he brought back from France these conceptions of the rights of the people, but they found no place in his political action nor in the institutions of America.

On the contrary, it is the corner-stone of modern government that there shall be obligations created or preserved by an organic law which no popular majority and no legislative majority can overcome, except through forms and delays prescribed by that law for its own defense. It is this that makes the modern republic—that has made the United States and every State that is associated to compose it—possible. And it is itself made possible by an American device. The history of all republics before ours had been that either of weakness, or of certain lapse into the hands of tyrants. It was for us to show that supreme and ultimate power could be so entrusted to a few men, that they would have slight temptation to abuse it, and that its exercise would seldom cause political disturbance, or even attract so much as the notice of the community.

The problem was to make the legislative power, whether exercised by popular or parliamentary vote, subject to some superior authority, and still leave it free to represent the public will. The American solution is through the judiciary, but it does not consist in simply writing down that will in the form of a Constitution and comparing every statute with it.

The justiciary of Arragon once had the power of annulling laws which he deemed contrary to the fundamental principles

* Constitution of 1793, Articles 25 and 28.

of the monarchy. But he could exercise it of his own motion, as an abstract political question; and the power was found too great to be tolerated. The modern plan of making the political question dependent on the issues of some private litigation, to be decided like any other contested matter incidental to the suit, seems illogical and unsystematic, but it does not offend by any show of authority; it takes the initiative from the court and gives it to any private citizen; it secures respect without seeming to command it.

A Rhode Island Court, in 1786, first brought this function of the judiciary distinctly into action, in determining the construction of her charter, and the Circuit Courts of the United States exercised it without hesitation, in reference to an early Act of Congress, five years later,* so that when, in *Marbury vs. Madison*,† it was first applied by the Supreme Court, it had already come to be recognized as a necessary part of our American institutions.

The three-fold division of the powers of government, insisted on by Montesquieu, is expressed in most modern Constitutions. In monarchies they seek to hold the power of the executive in check by increasing that of the legislature. In republics, they seek to hold the legislative power in check by strengthening the executive.

With us, this confidence in the executive power is not any traditional inheritance from colonial days. The veto of the Colonial Governors, when they had one, was rarely used except in opposition to the popular will and the popular interests. In the early State Constitutions, it was rejected, with one solitary exception,—that of Massachusetts. It is now found in all but six.

We have adopted it because experience, and experience is the result of many experiments, has taught us to believe in a strong executive, provided it is a good one, and because we find it easier to watch one man than an assembly of men.

* Hayburn's case, 2 Dallas, 410.

† 1 Cranch, 137.

We adopted it in the face of the course of the mother-country, which had turned so sharply in another direction. The Puritans left England before she came to be governed by a ministry, responsible to her legislature. Americans saw her change, in the hundred years that followed the accession of William and Mary, her whole system of administration. The executive was deprived of its veto; the upper house of Parliament crowded back into insignificance; the leader of the House of Commons had become the real king.

All this the new States of America saw, but they still, even while, at first, following England in abolishing the veto power, agreed in rejecting the device of a parliamentary ministry; and deliberately preferred to leave the responsibility of administration unchecked in the hands of their Governors. The Federal Constitution followed in the same lines. The President has his cabinet, but they are nothing in power,—men of his choosing, the agents and assistants of his will, with no seat in Congress, and no fear of it.

The veto that English kings retain only in name, has been with us often the best safeguard of the people, and was never more powerful for good than it is to-day. The legislature itself has come often to rely on the executive, and not in vain, to defeat bills which it has not the courage to reject, or the patience to examine. At the last session of that of our greatest State, two-thirds of the bills enacted were passed within the last ten days; thus leaving it wholly in the hands of the Governor to say, after the adjournment, whether they should become laws, or not.

We are not afraid of the executive, because we have guarded ourselves against any act of his that might oppress us by something stronger than *Magna Charta*. We have made him powerful because history has proved, even our own, that the executive power is often the best protection against the tyranny of majorities.

Nor does modern government in any way tend to lessen the personal dignity and weight of the executive. It recognizes

the strong impulse of the human mind to respect and reverence for authority, as represented in whatever individual is the titular head of the nation. The public interest in every incident in the daily life of the President of the United States, or of Queen Victoria, means something. It is what has kept alive so many monarchies in the past, which existed only as an incumbrance on society. The personal equation in government is a constant force, the more powerful because unmoved by reason, uncontrolled by law.

We recognize the sentiment of hero-worship, but we see its limits. Our governments guard against the hero, and against the unwisdom of his worshipers, by laws and institutions that are insensible to enthusiasm. Carlyle may still preach in this century, that national well-being depends not on any merit of laws or institutions, but on human goodness and human greatness. The century listens to him with respect, but not with faith. It would have men good, if it can, but it would have good laws, because it can. The people may stand for many bad men, many foolish men, many headstrong men; but the machinery of modern government keeps them in check. Marcus Aurelius was one of the best of rulers that mankind has ever had, but the machinery of ancient government allowed him—in all ignorance and honesty of purpose—to persecute and tread down the new religion that had come to transform the earth. The laws of New England, rather than the Puritans, were guilty, when women were burned as witches in Salem and Stamford.

For another feature of modern government, we may look back to a Roman origin. The difficulty of combining a strong central administration for an immense territory, with due provision for the good government of every part, Rome met by the organization of municipal corporations to regulate local interests. The dark ages, the institutions of feudalism, the strengthening of monarchical power, swept municipal autonomy out of existence. This century has restored it with new

guaranties against corruption, or abuse of power, and broadened it from the walled town to the village, the school-district, the county, colony, province and State.

To these local agencies, more and more, matters of local regulation are being confided, and Home Rule has become the watchword of free government.

One quarter of our population is now centered in our cities. A hundred years ago there was no city in the Union which numbered 40,000 inhabitants. How many States are now without one? And how, except in this way, could such great gatherings of freemen be kept in order?

The combination of local home rule, with a central authority to direct inter-communication between the several communities, and determine all questions of foreign relations, is the best form that modern constitutions assume. It was a daring experiment to attempt it here in 1789, and the hazard grew when the Louisiana purchase came, a few years later.

I think it is not too much to say that only the mechanical inventions of the century have preserved its political ideals. The steamboat, the railroad, the telegraph, the newspaper, dashed from electrotypes by the cylinder press, have in quick succession brought the broadest territories into close communication with their centers.

In some respects they have reversed the practical working of our own Constitution, as men anticipated it. The electoral colleges, for instance, meeting on the same day in every State, might now agree by telegraph on common candidates; but, on the other hand, modern facilities of travel have made those national conventions possible, the power of which has made the presidential electors but empty names. The capital, which many fancied, from the length of the journey to it, would become the ordinary residence of senators, if not of representatives, the seat of an intriguing oligarchy, is the home now of no one but the President and the department clerks. The center of affairs for every office-holder remains the community from which he comes.

The rule of local laws for local interests, enacted under such limitations as may be prescribed by some central authority, has smoothed the way for another innovation of transcendent importance: that all laws must be general, applicable to all men, and all interests, in similar positions. To this modern society is driven by its rule of equality. The world was not much given to legislation before the days of the French Revolution. All the statutes of Rome, in the days of her greatness, were not more in number than one of our larger States is accustomed to enact in every decade. As was ably urged in the annual address of our last president, there is but one remedy to be applied: the universal prohibition of special legislation, where a general law will secure the end. And this is only possible by granting extended powers of local administration to local governments.

The evils of over-legislation, in this country, however, are by no means proportioned to its amount. Much of it is, at worst, but useless. Americans do not often legislate except to meet some practical necessity, real or imagined. There is little speculative or theoretical statute law, such as marked the entry of France into the field of modern government. This makes our statute-books unsymmetrical, but it makes them safe. Nor are our Constitutions as open to this charge as our ordinary legislative Acts. We have not forgotten that there are laws so deeply rooted in the society out of which they spring, that they execute themselves. We know that these are the best laws, and that the modern Constitution does best, when it is their simplest expression.

Another characteristic of modern government is its support from journalism. It may be fairly said that it could not exist, and could not have existed, without it, less from the direct influence which it exerts, than from the publicity and close scrutiny of official action which it secures. Until a hundred years ago, legislatures, the world over, sat, practically, with closed doors. Journalism, during this century, has

demanding that they be thrown open, and has thus put the people bodily into the legislative assembly. Secrecy has been lost, and safety gained: safety, for no law is so bad as the ill-considered law, and no law can be well considered that has not been fully discussed in public, by the men whose interests it concerns.

Here, I think, has been the great work of the newspaper in politics. It has turned on the electric light. Its direct influence on the masses of the people may be easily overrated. It acts on the politicians, more than on the community at large. It distributes offices, and brings men into power, but it is often forced to think and act too quickly, perhaps too selfishly, to be in touch with the real movements of public opinion.

Newspaper discussion of questions of State is, no doubt, often flippant, and sometimes shows a desire to say something striking, rather than to say something true. In a government like Germany, but half modernized, the newspaper, too, is but half modernized. Bismarck, this year, brought into the Reichstag a bill to visit editors of socialistic journals, who deny the right of private property, with three years' imprisonment. He wishes no schemes of socialism but his own; and his law shows what Germany lacks, a Constitution which makes socialism, in the evil sense, impossible, and leaves it a harmless theory, the more harmless when the most discussed.

Modern government is becoming, more and more, a government by party. But parties represent less than they once did. As class lines fade out, and class interests no longer exist to be protected; as public education lifts the mass of the community to a more intelligent and, therefore, more candid view of political questions; as the general tone of morals is strengthened, as strengthened it is by all these influences; parties come to have no policy but to get into power, or to keep in it, for the sake of place and patronage. Practical

politics is thus becoming the art of managing and supporting nominations; and our American system of primary nominating assemblies, by which the voter has two opportunities of power, one at the caucus and one at the polls, seems likely to spread wherever popular election is found.

It often proves a means of undue minority representation. The nominees ordinarily gain their positions by a slender majority of their own party, and are opposed by the whole of the other. Where parties are nearly equal in numbers, their election, therefore, is really contrary to the will of the majority of the people, though a sense of party obligation may give them the votes of that majority.

And, on the other hand, this exposing every candidate for office to the gauntlet of two votes, one of his political associates, and one of the whole people, is no slight guaranty that men notoriously unfit will be set aside in the caucus, or rejected at the polls.

As some barrier to the demands of party, those governments where it is strongest, have taken care that their lesser functions shall be performed by those who have some special fitness and training for it. This training may be done by the Government or by a private education, but in either case some public examination is the test of its success. Offices are no longer sold, or given. That "public office is a public trust," all governments are coming to acknowledge.

The principles of modern government make new nations conservative, and unsettle old ones. In no country in the world is property as secure as it is with us. The guaranties of a Constitution, now, Mr. Bancroft tells us, the oldest in Christendom, have intrenched it against public as well as private attack. The British Parliament, during the last half century, has destroyed vested rights, broken up titles, seized private property for private use, in a way that to an American seems almost revolutionary. Such

legislation is the attempt of an old government to adjust itself to new conditions of society, by the use of powers that belonged to its old conditions. It is putting new wine into old bottles. It benefits one class and spreads a feeling of insecurity through all.

It was the want of guaranties against acts like these, that kept the ratification of our Federal Constitution so long in doubt. Its framers guarded the people against unequal or unjust legislation by the States, but as against the United States they only preserved the writ of *habeas corpus*, ensured trial by jury in prosecutions for crime, forbade an increase of penalty, after the commission of the act, and defined the nature and consequences of treason.

The contrast is marked between these scanty securities against the unknown powers of the new government they were creating, and the warm declaration of the rights of man that, at about the same time, came from the National Assembly of France. But the ideas of '89 in America, were not the ideas of '89 in France. They were then, where we were in '76, thirteen years before, proclaiming the universal rights of mankind. They had not reached the consideration of the particular rights and privileges best suited to the condition of their own people. Or, if they had reached it, they were not ready for it.

Our Constitution, therefore, has a cold and unshapen look as compared with those which France struck off in rapid succession, in the closing years of the eighteenth century. This was one of the most telling arguments of those who opposed its ratification.

"In this Constitution," said Thomas Tredwell, in the New York convention of 1788, "we have departed widely from the principles and political faith of '76, when the spirit of liberty ran high, and danger put a curb on ambition. Here we find no security for the rights of individuals, no security for the existence of our State governments; here is no Bill of Rights,

no proper restriction of power; our lives, our property, and our consciences are left wholly at the mercy of the legislature, and the powers of the judiciary may be extended to any degree short of almighty."*

And, in truth, the people everywhere, with a truer instinct than their leaders, saw with surprise that the Bill of Rights which they had framed into every State Constitution, was wanting here. They gave a hesitating assent to the new scheme, but recommended, in language that meant command, that the omission should be supplied, and supplied at once. Congress obeyed, and the first ten amendments placed the personal rights of the American citizen on higher ground than those then or now belonging to any other people.

But with all this there is no permanence in modern government. In its fundamental principles there is; in the proper adaptation of them to the needs of each particular community, there is not, and there never can be.

For this very reason, it cannot fasten on the East—on Asia or Africa—until untold generations have passed away. Its instability is radically foreign to their national ideas. They can tolerate revolutions of dynasties, but not of laws.

Japan has signalized the opening years of the second century of modern government, by the promulgation of a written Constitution. But it emanates from a single hand, which retains still the ultimate sovereignty, as an hereditary and irrevocable right, and forbids any future extension or alteration of its provisions, unless on the proposition of the crown.

A centenary of modern government is closed. A hundred years to come, this Association may be called upon to commemorate its bi-centenary. This country, with a population now exceeding that of any European power, but Russia, may not improbably have, then, one as large as all of them com-

* 2 Elliott's Debates, p. 401.

bined. It will have had new perils to meet, a larger life to live, a greater work to do.

Carlyle has said that the true bible for every nation was its own history. If so it be, the last books must be better, wiser, truer, than the first. There must be a new testament built upon the old—with its broader, freer, higher life. And such, thank God, is to us, thus far, our bible of American history.

We have taken up the ideas of '89, and advanced them. We have taken religious freedom from the National Constitution, and put it into our State Constitutions also. We have widened suffrage, improved its methods, set guards to the power of the majority. We have advanced and extended public education. We have been loyal to our institutions, faithful to our laws; each of us, as he understood them; and when men differed, and hesitated in their allegiance between State and Nation, by the strong hand of war the will of the Nation was lifted into acknowledged and unchallenged supremacy. It has cost much: years of angry debate, years of fierce war, millions and thousands of millions of money; but it has been done, and there are few to-day who, if they could, would have the result reversed.

We have carried human charity—in its widest sense—farther than it was ever pushed in any age or land before. We have struck hands with other nations in honest and successful efforts to make the whole world better. The slave-trade has fallen by our aid. International arbitration, in the place of war, has had its noblest illustration in the last few years of American history. The right of choosing one's own sovereign—of voluntary expatriation—we have made, throughout the earth, free to every man who has once left his native land. The project of a code of general laws, common to all nations, once the mere dream of poets, has been put in form by our distinguished president, to whose labors in jurisprudence the world is debtor, and is now under serious discussion by the jurists of every civilized country.

Washington, in his inaugural address, a hundred years ago, declared that "the destiny of the republican model of government" was "justly considered as deeply and perhaps finally staked on the experiment entrusted to the hands of the American people." We have fulfilled the solemn trust, and we have done more. In leading the way towards good republican government, we have, almost unconsciously, led the way too toward all that is best in modern government of every name. The great kingdom, to which we once belonged, is the better because we struck for independence, and has been glad to copy both from our public and our private law. The influence of our institutions is felt in every country where men read and think. God send that in the century to come, this great work of our fathers, may be safe in the hands of their children, and of ours.

PAPER

READ BY

HENRY B. BROWN.

JUDICIAL INDEPENDENCE.

I presume that every intelligent man who has practiced law or sat upon the bench for a number of years, has imbibed certain prejudices in favor of or against particular methods of procedure to which he has become accustomed; has taken strong positions upon what may be termed the debatable ground of the profession—being no less strenuous in his opinions by reason of the fact that a full half of his brethren may differ with him; and in his gropings after the law, has stumbled upon fragments of legislation or judicial opinions, which have seemed to him so wide of the mark as to provoke a smile. We are so much the creatures of our traditions, associations and surroundings that what may be accepted by some of us as the consummate flower of human wisdom, may appear to others as little better than arrant nonsense.

Thus, while there is a practical unanimity of sentiment upon the general subject of judicial independence, there is a wide divergence of views upon the proper methods of securing such independence and upon what shall be deemed an unlawful encroachment upon it.

The independence of the judicial department of the government, by which we understand its complete divorce from the

executive and legislative departments, lies, in theory at least, at the very root of the American political system. Indeed, it is obvious to one who reflects upon the tendency of authority to assert and extend itself, that the existence of a third power in the nature of an arbitrator between the executive and the legislature upon the one hand, and the people upon the other, is indispensable to the protection of the latter from unlawful encroachments upon their rights. So early a writer as Montesquieu declared that "there is no liberty if the power of judging be not separated from the legislative and executive powers. If it were joined to the legislative power, authority over the life and liberty of citizens would be arbitrary; for the judge would be the legislator. If it were joined to the executive authority, the judge would have the power of a tyrant." At the same time, it is unquestionably the weakest of the three great departments, as it can live only through the generosity of the legislature and can enforce its decrees only by the aid of the executive. "From the nature of its functions," as was said by Hamilton, in the famous seventy-eighth paper of the "Federalist," "it will always be the least dangerous to the political rights of the constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community; the legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated; the judiciary, on the contrary, has no influence over either the sword or purse; no direction of either the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely *judgment*; and must ultimately depend upon the aid of the executive arm for the efficacious exercise even of this faculty." With these inherent infirmities of its structure it is all the more necessary that its independence should be guaranteed, as far as it is possible to do so, by the will of the sovereign people as expressed in their several constitutions.

Prior to the revolution of 1688 an independent judiciary was unknown—judges were appointed during the pleasure of the king, and were not infrequently removed, as was Lord Coke, for non-compliance with the royal behests, or a too sturdy assertion of their rights. If this system did occasionally produce eminent jurists like Fortescue and Markham, Gascoigne and Coke, it will not be forgotten that under such auspices men like Hyde and Scroggs and Jeffreys flourished under the smiles of the court and fattened upon the miseries of their fellow subjects. By the Act of Settlement (13 William III, Ch. 2), the commissions of the judges were made to run during good behavior, and their salaries were ascertained and established; but upon the address of both houses of Parliament it was declared lawful to remove them. By a subsequent act the judges were continued in office notwithstanding a demise of the sovereign. The power to remove judges upon the address of a majority of both houses might be a dangerous one in the hands of a less conservative body than the British Parliament; but it has never, I believe, been exercised except for mental or physical disabilities. By many of our state constitutions the same power is vested in the legislatures—usually by a two-thirds vote of both houses.

While there is in the Federal Constitution no express declaration of the independence of the judicial department, it is implied in the division of the government into three great powers, in the life tenure of its judges, and in the provision that their salaries shall be paid at stated periods and shall not be diminished during their continuance in office. The Constitutions of the several states are most of them much more explicit upon this point. In at least twenty-nine of these, there is an express provision, found originally in that of Massachusetts, that the powers of the government shall be divided into three distinct departments, and that no person or collection of persons belonging to one of these departments shall exercise functions or powers properly appertaining to either of the others, “to the end that it may be a government of laws

and not of men." The courts have had frequent occasion to enforce this provision, though it is merely declaratory of the common law as it existed at the time the Federal Constitution was adopted, and have held in numerous cases, that it was beyond the power of the legislature either to usurp judicial functions or to invest administrative officers with them, to impose executive duties upon the judiciary, to nullify or interfere with their judgments, or to validate proceedings which they have declared to be void. Indeed, the Federal Supreme Court has not only recognized the general principle that none of the departments shall be permitted to usurp powers properly belonging to the others as applicable to the Federal government, but has held in a recent case, that Congress had not even the power to punish a witness for contempt, in refusing to answer certain questions put to him by a committee of the house. The courts have also declared that the legislature has no power to grant a new trial, to order a rehearing in a case already considered and adjudged, to provide that certain methods of signing instruments shall be held valid when the courts have held them to be invalid, or to deprive the court of the power of trying issues of fact in chancery cases and vest it in a jury. Indeed, there has been no reluctance on the part of the judicial department to vindicate its independence of the executive and the legislature.

But this is not all which is necessary to constitute a complete judicial independence. There is a clear distinction between the independence of the judiciary as a governmental power, and the independence of the several judges composing it. There is here all the difference between a theoretical and practical independence—in other words, between independence in law and independence in fact. Thus the election or appointment of judges for short terms does not trench in any way upon the judicial functions; but it subjects the judges, as men endowed with the ordinary weaknesses of humanity, to temptations wholly inconsistent with that consciousness of independence, which lends such powerful encouragement to a

fearless discharge of duty. Judges ought not only to be removed from temptation, but as far as possible from suspicion. If their re-appointment or re-election is made at frequent periods, dependent upon the popularity of their decisions, to that extent their independence is subjected to the whims of the executive or the prejudices of the people. A remarkable illustration of the unwisdom of this system occurred a few years ago in a neighboring state, when one of the most eminent of American jurists was defeated by a temporary change in the political sentiment of the state.

I certainly do not intend to enter upon any wholesale denunciation of the system of electing judges. It has been in vogue in most of the states for about forty years, and, except in a few of the largest cities, has not been attended by disastrous results. If it has not fully met the expectations of its friends, it has certainly not justified the evil prophecies of its enemies. I have known excellent judges who owed their seats to a political caucus and a popular election; I have known men of inferior caliber who owed their appointments to executive favor. If the people occasionally elevate men to the bench who have little to recommend them beyond the ability to pull wires at a caucus, the choice of the executive is sometimes determined by other considerations than the public interest. Upon the whole, except in the large cities, the system of election may be said to have worked reasonably well, although I believe the judiciary as a rule stood higher under the old method of appointment. The ideal mode of choosing judges has perhaps yet to be discovered. In my view more depends upon the permanency of the judicial tenure than upon the particular method of selection.

The most ardent advocate of the right of the people to choose their own magistrates would hesitate to submit a fifty thousand dollar lawsuit to a judge who held his seat by annual election, if a strong personal or political friend of the judge were retained against him. If the judge were elected but once in four or six years of course his hesitation would be correspondingly

diminished, but the principle remains the same. The tenure should either be during good behavior or for so long a term as to beget in the mind of the judge a *habit* of independence strong enough to overcome all considerations of fear or friendship. If to this long term be added ineligibility of re-election we have the strongest possible guaranty of independence. In this connection there should always be reserved a provision for the removal of incompetent judges (from whatever cause such incompetency may arise) upon the address of two-thirds of each house of the legislature. For these reasons the constitution of Pennsylvania, which provides for the election of justices of the Supreme Court for twenty-one years (with subsequent ineligibility) seems to me to embody the best existing scheme of an elective judiciary. It is to be regretted that it was not extended to the inferior courts. Next to this the fourteen and fifteen year tenure of the New York and Maryland judges contains the strongest guaranty of independence. The life or "good behavior" tenure seems to obtain now only in New Hampshire, Massachusetts, Rhode Island and Delaware, and in the Federal Constitution. By a strange anomaly, however, territorial judges are appointed for only four years.

In addition to the general provision against the encroachments of one department upon the domains of the others, there are special clauses in the constitutions of New Hampshire and Massachusetts designed to secure the independence of the judges to the following effect: "It is essential to the preservation of the rights of every individual, his life, liberty, property and character that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people and of every citizen that the judges of the Supreme Judicial Court should hold their offices as long as they behave themselves well, and that they should have

honorable salaries, ascertained and established by standing laws." Perhaps a technical lawyer, in these days of short tenures and small salaries, might criticise this language as superfluous and meaningless; but it certainly has an assuring tone and indicates the confidence felt by the lawyers of the last century in permanency of tenure and generosity of salaries.

It is not altogether easy to define the term judicial independence, or to determine what is and what is not an invasion of, or encroachment upon, it. Upon the one hand, we shall all agree that the legislature cannot remove a judge without cause (though it seems it may do this indirectly by abolishing the court), nor reduce his salary, nullify his judgments or set at naught his decisions. Upon the other hand, it will be conceded that it possesses unlimited power to determine the jurisdiction of courts, when and in what manner suits shall be begun, and to regulate the practice, pleadings and forms and modes of proceeding prior to the trial and, with some exceptions, subsequent to the verdict. It may to a certain extent control the trial itself by fixing the causes for which jurors may be exempted or challenged, prescribing rules of evidence and laying down principles of law which the court is bound to accept and enforce. Manifestly, however, this power is subject to certain limitations suggested by the provision contained in all our constitutions, that the right of trial by jury shall remain inviolate. By common consent this is interpreted as meaning a trial by jury as it existed at common law, and with all the common law incidents of such trial. It demands a jury of twelve impartial men, who shall have the exclusive right to decide all questions of fact, and whose verdict must be unanimous. So rigid has been the construction of this right that not only have the courts held that it was beyond legislative interference, but that the party himself, in a criminal case at least, cannot waive the benefit of its guaranties. Indeed, the weight of authority seems to be that a prisoner on trial for a felony cannot consent to a withdrawal

of one juror and a trial by the remaining eleven, upon the ground that the public has an interest in the preservation of the liberty and lives of citizens and will not allow them to be taken away without due process of law. To an unlettered layman it might seem that the public which permits a man to be imprisoned or even hanged without a jury trial at all, upon a plea of guilty, might with equal propriety consent to his being tried by eleven men, if he requests it, but so the law is written and so it will probably remain.

The question, however, which concerns us most directly in this connection is, whether the judge is a constituent part of a jury trial at common law. I have never seen nor heard of a jury trial in which there was not a judge who presided and took a more or less active part, and yet in the ordinary definitions of jury trial given by the lexicographers and elementary writers, he is ignored as completely as if he were a mere supernumerary. Even the judges themselves seem to assume that it is only the jury and the parties to the suit who are entitled to the constitutional protection. The question is one of no little importance. If the judge be the mere spokesman of the law, he is bound to a blind obedience to the will of the legislature, in all that concerns the trial; on the other hand, if he be an indispensable and constituent factor in that proceeding known to the law as trial by jury, it is difficult to see why he is not as much entitled to protection against legislative interference in the discharge of his common law duties, as is the jury in the exercise of its proper functions. There is a definition of trial by jury in a recent case in the Federal Supreme Court, which is pertinent in this connection: "Trial by jury," says Mr. Justice Gray, "in the Courts of the United States, is a trial presided over by a judge, with authority not only to rule upon objections to evidence, and to instruct the jury upon the law, but also, when in his judgment the due administration of justice requires it, to aid the jury by explaining and commenting upon, and even giving them his opinion upon questions of fact, provided only he submits those questions

to their determination." Now, trial by jury in the courts of the United States is neither more nor less than trial by jury at common law, as it existed at the adoption of the Constitution, and if the above language be taken not as mere rhetoric, but as a judicial definition of trial by jury, it would necessarily follow that the functions of the judge therein specified, are as "inviolable" as those of the jury.

These remarks are suggested by a series of statutes which have become fashionable in the southern and western states, (for there are fashions in legislation, and even in judicial opinions, as well as in dress) the object of which is apparently to secure the unbiased and unadvised opinion of the jury upon the facts; and an easy and accurate settlement of bills of exceptions, but the effect of which is to shear the judge of his proper magisterial functions and to reduce him to the level of a presiding officer, or the mere mouthpiece of counsel. These statutes are of the following classes:

(1.) Laws prohibiting judges from charging or commenting upon matters of fact.

(2.) Laws requiring all charges to be in writing.

(3.) Laws requiring the judge to give such instructions, and such only, as have been submitted to him by counsel, either with or without modification.

(4.) Laws requiring the court, at the request of counsel, to submit special questions to the jury, to be answered in addition to their general verdict.

Curiously enough, the constitutionality of these laws seems never to have been questioned, and judges who have been the most alert to protect the jury against all interference with their functions; have been the most supine under these legislative invasions of their own prerogatives. Where, as in Arkansas, California, Nevada, South Carolina and Tennessee, provisions similar to these are embodied in the constitution, of course no question can arise as to their validity. The people in their sovereign capacity have an undoubted power to modify or curtail the right of trial by jury, or even to abolish it altogether.

No such sanctity, however, surrounds a mere legislative act, and the question of its constitutionality is always an open one. Perhaps, in the universal acquiescence of the courts, it may be presumptuous to question the validity of these enactments, yet there is reason for saying that some of them at least are encroachments upon the independence of the judiciary.

It may be observed of these statutes in passing, that they are not applicable to the Federal Courts. The Supreme Court has repeatedly declared, that the Act of 1872, adopting the practice, pleadings and forms and modes of proceeding employed in the state courts, has no application to "the personal administration by the judge of his duties, while sitting upon the bench." Reading these opinions between the lines, it is possible to gather from them a deeper significance. Indeed, in one of them Mr. Justice Swayne says that the act in question "was not intended to fetter the judge in the discharge of his personal duties, *or trench upon the common law powers with which in that respect he is clothed.* Whether Congress could do the latter was left open to doubt. It was not then, and it is not now, necessary to decide that question." In another, the learned judge cites with apparent approval the case of *Houston vs. Williams*, to which I shall refer hereafter. Whether the Supreme Court would not, if the question were squarely presented, hold these laws to be unlawful invasions of the judicial power is left in a state of most interesting doubt.

(1.) Perhaps the first of these laws, prohibiting the judge from charging with respect to matters of fact, is the least objectionable, both upon the score of constitutionality and expediency. Many of these statutes are rendered somewhat ambiguous by a proviso that the judge may "state the testimony and declare the law."

The purport of this seems to be that the judge may recapitulate the testimony upon both sides, but may not intimate his opinion as to its weight or credibility. There is undoubtedly a great difference of opinion, even among the leading men of the profession, with regard to the propriety of a judge

expressing his views of the testimony to the jury. It should rarely, if ever, be done in a criminal case adversely to the accused ; and in civil cases, the power should be exercised with great caution and only in cases where the jury is likely to be carried away by their prejudices or sympathies. Certainly, however, this act ought not to be construed with such strictness as to prevent the judge from telling the jury that a certain fact is proved, when there is no evidence to contradict it, or to say that there is no testimony to establish a particular fact, if in truth there is none, yet it seems to have received this construction in at least one state. The design of the act was evidently to prevent the judge, where the testimony is conflicting, from throwing the weight of his opinion into the scale.

It will be observed of this as of most of these statutes, that its effect is not only to curtail the common law prerogatives of the judge, but to strengthen the power of the ablest counsel and correspondingly to weaken that of the less experienced. Superior eloquence in argument, diligence in research and sagacity in the conduct of a cause, are doubtless entitled to their reward, but it ought not to be reaped at the expense of justice. It may be very taking to the popular ear to say that counsel are entitled to a fair field and no favors, yet after all there is something more desirable than this, and that is the triumph of truth and justice. In my view a judge ought to be something more than a mere umpire. He should bear in mind that the sole object of our judicial machinery is to secure exact justice between the parties in each case, and that he has no right to sit quietly by and see a manifest wrong done, simply because young or inexperienced counsel have overlooked or misapprehended a vital point. Indeed, the accidental superiority of counsel ought never to be permitted to obstruct the due administration of justice. In cases appealing strongly to the humanity of a jury, such as actions for negligence, I have known many an unjust verdict prevented by timely words of advice uttered from the bench with regard to the bearing of certain facts, or the credibility of particular witnesses.

True it is the judge may sometimes be wrong, stupid, or perverse, but the jury, the ultimate arbiter, will hardly fail to discover this and correct it by their verdict. In cases of abuse of this discretion, there is an appellate court to apply the proper remedy. The whole inquiry, then, resolves itself into this single question: What are the proper functions of the judge? If they are limited to deciding questions as they arise and declaring the law to the jury, then it is right that the whole burden of the trial should be assumed by counsel; but if, upon the other hand, the responsibility is with the judge, and counsel are employed to assist him in administering justice, and the jury are the legal advisers of the court, authorized only to pass upon questions of fact, concerning which there is some real conflict in the testimony, then it is not only his right, but in some cases his duty to act as their friend and counsellor. If much may be said in favor of protecting counsel from the interference of the bench, something may also be said in favor of protecting the jury against the mistakes and sophistries of counsel.

(2.) There is even more room to doubt the constitutionality of laws requiring the judge to deliver his instructions to the jury in writing. There can be no question that every word that falls from the judge's lips during a trial, is public property, and that the state or parties to the suit may employ a stenographer to take it down; but if the judge can be compelled to stop the progress of a trial to write out a charge, which may occupy an hour or two in delivery, it is impossible to say wherein his freedom of action is not subject to the control of the legislature.

We are not, however, without authority upon this point. In the case of *Houston vs. Williams*, 13 Cal. 24, Mr. Justice Field, now of the Supreme Court of the United States, held that the legislature could not require the Supreme Court to give the reasons of its decisions in writing. In delivering the opinion, he makes use of language more or less applicable to all the statutes to which I have called attention in this paper.

"It is," says he, "but one of many provisions embodied in different statutes by which control over the judiciary department of the government, has been attempted by legislation. To accede to it any obligatory force, would be to sanction a most palpable encroachment upon the independence of this department."

"If the power of the legislature to prescribe the mode and manner in which the judiciary shall discharge their official duties be once recognized, there will be no limit to the dependence of the latter. If the legislature can require the reasons of our decisions to be stated in writing, it can forbid their statement in writing, and enforce their oral announcement, or prescribe the paper upon which they shall be written, and the ink which shall be used. And yet no sane man will justify any such absurd pretension, but where is the limit to this power, if its exercise in any particular be admitted? The truth is no such power can exist in the legislative department, or be sanctioned by any court which has the least respect for its own dignity and independence."

"In its own sphere of duties, this court cannot be trammelled by any legislative restrictions. Its constitutional duty is discharged by the rendition of its decisions. The court must therefore exercise its own discretion as to the necessity of giving an opinion upon pronouncing judgment, and, if one is given, whether it shall be orally or in writing. In the exercise of that discretion the authority of the court is absolute. The legislative department is incompetent to touch it." As the facts of this case show that the reasons were stated orally, the gist of the decision is that the legislature cannot require the opinions to be written. This case was followed by the Supreme Courts of Indiana and Arkansas, and I know of none to the contrary. It has also been decided by the Supreme Courts of Michigan and Indiana, that the legislature has no right to require of its judges the preparation of head notes for the reporter. But if the legislature has no right to impose these duties, by what authority can it exact the manual

labor of writing out instructions to juries? Grant that in complicated cases it may be desirable to do this, it is not usually so, and is one of those matters of discretion over which the judge ought to have full control.

(3.) Still more objectionable are laws of the *third* class, requiring the judge to give or refuse such instructions as have been submitted to him by counsel without modifications. An example of this is found in the Code of Alabama, which requires that (Sec. 2756) "Charges moved for by either party must be in writing, and must be given or refused in the terms in which they are written; and it is the duty of the judge to write 'given' or 'refused,' as the case may be, on the document, and sign his name thereto; which thereby becomes a part of the record, and may be taken by the jury with them on their retirement." The hardship of this enactment is apparent from the construction given to it, that the charge, if correct, must be given in the exact language in which it is asked, even though the court may have embraced the same legal proposition in another part of its instructions. Not only this, but the court has no right to add a qualification, however correct in point of law it may be, and to do so is error. Coupling this with a prohibition against charging upon the facts, it is difficult to see how any scheme could be devised better calculated to confuse a jury. I should rather say (and that I believe is the practice in the highest courts of England and the United States), that requests to charge should never be read to a jury. They are usually drawn with a view of giving to the party preferring them, every possible advantage, and the judge is fortunate if he is able to draw the line accurately between the plaintiff and defendant, and does not find himself involved in contradictions fatal to the verdict. Jurymen are plain, unlettered laymen, wholly unable to comprehend the nicer distinctions of the law, and caring only to reach a verdict that shall be consonant with the general equities of the case, and not directly in the teeth of the court's instructions. Nothing can be more unsatisfactory or misleading to them than a case submitted upon naked, disconnected propositions of law.

The proper method is to treat requests to charge as suggestions of counsel of the legal questions to which he desires the court to call the attention of the jury, and of his position with regard to them. The judge should then incorporate the substance of such as are deemed to be sound in the general charge. A party has no right to instructions upon questions of fact, nor upon general propositions of law, which do not bear directly upon the questions at issue. Those which are really pertinent to the case will be much better understood by the jury, if delivered in connection with the statement of the case or a review of the testimony. If a stenographer be employed, it is better that the charge be oral than written, as talking is more impressive than reading. Much, however, must be left to the temperament of the judge, and his power to express himself concisely and accurately without a resort to paper. The ability to charge a jury clearly, to review the testimony temperately and impartially, and to state the legal propositions in connection with the theories of the respective parties in such manner that they may be readily grasped by the ordinary mind, is justly regarded as the consummation of judicial excellence.

(4.) The only objection to laws requiring the court to submit special questions to the jury to be answered in addition to their general verdict, is in making such practice compulsory. Occasionally it may be desirable, for the purposes of review or otherwise, to know the opinion of the jury under a particular count of a declaration or indictment, or where a certain fact is prominent in the testimony and is necessary to plaintiff's recovery, to call special attention to it, that their answer may harmonize with their verdict. But to permit counsel, and compel the court to put any number of such questions, is to open the door to great abuse. Jurors are rarely close and accurate thinkers, and it was never intended that their verdict should be controlled by the strict rules of logic. Ordinarily they pay but little attention to nice legal distinctions (for errors in which verdicts are often set aside), and subordinate

questions of fact are lost sight of, but the salient features of the case are seized upon to govern their decision. So little are they affected by slight errors in the charge, or slight changes in the testimony, that of about fifty civil cases which I have had occasion to submit to a jury a second time, in but one was the second verdict materially different from the first. (This rule, however, by no means holds good in criminal cases.) Indeed, I find the average sense of one jury very near to the average sense of another. In a large majority of cases the jury should not be embarrassed by special questions, and the practice of permitting a large number to be put is almost sure and is usually intended to produce answers inconsistent with the general verdict. Such a favorite device of defendants did this become in the state of Michigan, that the statute was very properly amended by limiting the questions to five and requiring them to be put, if possible, in such form as to be answered by a simple "yes" or "no." I think a better plan would be to leave the whole matter discretionary.

These statutes, to which I have called attention, are common to several states and indicate the current of legislative opinion where it flows toward a modification of the common law powers of the judge, in respect to jury trials. There are, however, individual acts which trench still further upon those powers, and are still more indefensible from a constitutional point of view. The criminal code of Texas not only forbids the judge from summing up the testimony, discussing the facts, or expressing any opinion as to the weight of the testimony, but, in cases of felony, requires him to "distinctly set forth the law applicable to the case; whether asked or not." One can readily understand what a trap is here laid for him. Not only must he give all such instructions as are prepared by counsel, if proper, but, at the peril of a reversal, must cover every legal question involved in the case, whether his attention be called to it or not. This rule seems to hold good, though the omission be wholly through forgetfulness or inadvertence, and even where counsel sit by and intentionally refrain from requesting an

instruction upon the point. The courts, so far from relieving against the hardship of this statute, have intensified it by their construction. They hold that the act requiring the judge to give *all* the law applicable to the case, relates to every phase or theory of the case fairly presented by the evidence, and that every theory, whether weak or strong, or however improbable it may seem to the trial judge, demands an instruction to the jury. He must not assume any fact as proved, no matter how strong the evidence may be, nor may he intimate that any evidence is unworthy of belief—indeed, he must even avoid the appearance of an intimation. The result of this kind of legislation is seen in the enormous number of criminal cases carried to the Appellate Court (exceeding two hundred and fifty per year), a large majority of which are reversed. Bearing in mind, that the chances of an acquittal upon a second trial, are vastly greater than upon the first, the number of criminals thus let loose upon the community, becomes positively alarming. As there is a separate series of criminal reports in this state, in which the evidence in each case is set forth in full with all its revolting details (for what purpose is not apparent), it is certainly matter for congratulation that law reports do not rank as popular literature.

The law of Mississippi is directly contrary to that of Texas. By statute, no judge shall comment upon the testimony or charge as to the weight of evidence, but it shall be lawful to charge the jury upon the principles of law, "at the request of either party." This is construed by the Supreme Court as a prohibition against any instructions, except such as are given at the request of counsel, and a conviction in a murder case was set aside, because the court, after giving the requests of counsel, proceeded of its own motion to charge the jury generally upon the law of homicide. "As an exposition of the law," says the court, "the charge was unexceptionable. It was a succinct, extremely intelligible, explanation of the principles of the criminal law applicable to the case before

the jury." This compliment, however, did not prevent the court from reversing the case, upon the ground that it was a plain violation of the statute, restricting the authority of judges to charge except upon request. This chapter also contains the following extraordinary enactment. If a judge refuses to sign a bill of exceptions to any opinion, decision or charge when in writing, it shall be lawful for any two attorneys, who may be present at the time, to sign such bill of exceptions, which shall have the same force and effect as if signed by the judge himself. No matter whether the judge's objection to signing be sound or unsound, he is placed completely at the mercy of any two counsel who happen to be present in the court room. I do not know of another such instance of legislative confidence in an ordinary *amicus curiae*.

Turning now from the extreme south to the most conservative of New England states, we find a statute of Rhode Island which seems a clear infringement upon the independence of the judiciary. Whenever the constitutionality of any legislative act is called in question, in any other than the Supreme Court, it requires such court to rule the act to be constitutional, and, if judgment is rendered against the party raising the question, to certify the cause to the Supreme Court for its decision of such question. There is much to be said in favor of the policy of such an act, but I know of no power in the legislature to instruct any court, however humble, how it shall decide questions properly before it. I regard a justice of the peace as a magistrate whose independence ought to be as sacred as that of the Supreme Court itself. A deference to the opinion of the legislature and a modest consciousness of one's liability to err, would naturally prevent a single judge from declaring an act to be unconstitutional, except in a clear case, but I had not supposed his power to do so was open to question.

Courtesy forbids our speaking with levity of the acts of a sovereign state, but a statute of Alabama, which ought to be

entitled, "an act for the benefit of the legal profession," certainly carries off the palm for originality. It requires the Supreme Court, in deciding each case, when there is a conflict between its existing opinion and any former ruling, to be governed by what in its opinion at that time is law, without regard to such former ruling of the law by it; but the right of third persons acquired on the faith of the former ruling is not to be defeated or interfered with by or on account of the subsequent ruling. One can hardly conceive a more pointed invitation to litigation than this. The old rule of *stare decisis*, the foundation of property rights in most civilized communities, is swept away by a stroke of the pen, and the court is practically asked to decide what the law ought to be rather than what it is. Judges are sometimes accused of a proneness to judicial legislation, but evidently this is to be encouraged rather than censured. Counsel, in examining the law with a view to litigation, need never be discouraged by an adverse precedent, for *non constat* that the court may not take an entirely different view. The act is peculiar and the proviso is ambiguous. There is an attempted saving of the rights of third persons; but who are these third persons whose rights must not be disturbed by the subsequent ruling? Courts do not adjudicate the right of third persons, but of parties to the suit, and if there be anyone in need of protection, it surely is the party who has acted upon the faith of the former ruling. In determining what the law is, courts are largely governed by what they have before declared it to be, and the act is equally objectionable whether it be an attempt to instruct the court how to determine what the law is, or an attempt to vest it with legislative power.

And last of all comes an oddity of legislation from the land of steady habits, in the shape of an act forbidding the judge from requiring counsel to stand during the examination of witnesses. This statute, if slightly impertinent, is wholly unexceptionable in a legal point of view. But one can readily imagine the circumstances under which it was passed. Counsel,

while examining a witness, is sitting at a table taking full notes of the testimony, rummaging over papers, or otherwise wasting the time of court and jury. The trial bids fair to become interminable, the patience of the judge is exhausted, and he orders counsel to rise and give his whole attention to the witness. Counsel is beaten, and, smarting under his defeat, rushes to the legislature, of which he is perhaps a member, with a proposition to "sit down" upon a judge who takes on such airs. The legislature, in a burst of sympathy, passes the act, —counsel is avenged, and the judge for the time being is squelched. Unfortunately, however, the next legislature knew not Joseph, and had no bowels of compassion, for the act was repealed in exactly one year from its passage. Indeed, the act had nothing to recommend it. The standing of counsel during the examination of witnesses is by no means a matter of form or ceremony. Not only are one's ideas clearer and more abundant, but there is no better way of eliciting the truth from an honest witness or baffling a dishonest one, than by standing, and looking him squarely in the face. There is certainly less temptation to take notes, dawdle between questions, or consume time unnecessarily, and my own experience is, that the best *nisi prius* lawyers generally prefer a standing position. This, however, is a digression from the purpose of this paper.

The cursory review I have made of these statutes, indicates not only the extent to which the legislature has already encroached upon the independence of the judiciary ;—but it contains an intimation of what further steps may be expected in the same direction, in case the judiciary itself makes no effort to stem the tide. One thing is quite apparent, and that is, that in a number of states the system of trial by jury, as known to the common law, and as it exists to-day in England, in the Federal Courts and in the more conservative states, is gone. We are not, however, a worshiper of ancient idols ; and we shall not regret its departure, provided always, the substitute be equally good or better. It would be interesting, in this connection, to know exactly how far these acts were inspired by a

regard for the interests of the public, and how far by the desire of lawyers, always the controlling power of state legislatures, to get points for a bill of exceptions and ultimately to extricate their clients from the meshes of the law. I know of no reason to doubt the entire good faith of the law-makers as a body; but I cannot help thinking that, if a group of lawyers were to meet and prepare a code for the express purpose of entrapping the court into errors, they need not look far for a model. Instead of being surprised at the number of reversals, the wonder is that any verdict in a long and sharply contested case, could ever be sustained. It is to be regretted that the courts in many of these states have ably seconded the legislature in embarrassing the administration of criminal law, by excessive refinements of language. When, for instance, we find a court of last resort gravely adjudging, that it is no error to say to a jury in a particular case, "there is evidence tending to show the defendant was drunk," but that it *is* error to say, "there is *some* evidence tending to show the defendant was drunk," or another setting aside a conviction, because the Court remarked to the jury that in considering the evidence "common sense" was perhaps their "best guide," or still another quashing a written verdict for murder in the first degree, because the foreman omitted the letter "r" from the word "first," we may justly conclude that the technicalities which cut so large a figure in the English courts a hundred years ago, have been transplanted to American soil. Such decisions go far to justify the well-known remark of Burke, "that the study of law tends to sharpen but not to liberalize the mind."

There is nothing which tends to belittle the authority of courts or to impair the confidence of the public in the certainty of justice, so much as the habit of reversing cases for slight errors in admitting testimony, or trifling slips in the charge. I have in mind one case, which was carried to the Supreme Court six times and was reversed every time. Better by far the practice of the English courts and the Federal Supreme Court, where every intendment is made in favor of

the action of the lower court, and cases are rarely reversed except for errors going to the very merits—errors which usually obviate the necessity of a second trial.

Before undertaking the amendment of the ancient system, it would have been well to inquire wherein it needed amendment. The tenor of the most radical of these statutes would seem to indicate, that the accused stood in greater need of protection against unjust convictions. Yet I venture to say, that no such charge was ever seriously made against American courts since the adoption of the constitution. There has never been a time when the rights of innocent men were not jealously guarded, or the guilty were denied the privilege of a fair and impartial trial. In one direction, I think the accused is entitled to greater protection, and that is against outbreaks of lynch-law, which the feeble administration of the criminal laws invariably provokes. There is no doubt that the great mass of the people are law-abiding citizens, and, if not law-abiding themselves, are determined that others shall be so. We may safely conclude that if courts do not punish criminals, they are inviting summary justice from "vigilantes," "whitecaps," and "regulators." Executions by lynch law are already said to outnumber legal executions, and unfortunately they are most numerous in those states where the accused is best protected by statutory guaranties. Indeed, these statutes fail to accomplish the very purpose for which they were designed. While they over-protect the accused in a particular case, they practically deliver others over to the mercy of a mob. Compare them, for example, with the admirable penal code of New York. Here the judge is left wholly untrammelled in the discharge of his duties, and yet I have never heard of an innocent person being convicted, though I have a faint impression that the guilty do sometimes escape; nor do I now recall a single instance of lynching in New York or New England within my recollection.

Trial by jury is undoubtedly the best method yet devised for the determination of criminal cases, and will doubtless

prevail in this country for generations to come. Not necessarily that it is the most accurate method of determining the guilt of the accused, but that it best represents the average sense of the community as to his guilt and the propriety of his being punished. The people are parties to the suit, and may be trusted to protect themselves and their interests. If the general sentiment excuses public murders or family vendettas, the estimable gentleman who has shot his neighbor upon the street will find a convenient loophole of escape, while the horse-thief will have no reason to congratulate himself upon any undue leniency. If, upon the other hand, the public is disposed to wink at the purchase of votes, the ballot-box stuffer and the boodle alderman will be accorded all the respect due to their superior abilities.

In civil cases, both in old and New England, trial by jury seems, by a kind of common consent, to be falling into disuse. A step, which I regard as a very decided one in advance, has been taken in two or three states by abolishing the rule of unanimity, and permitting a verdict by the consent of nine. This will obviate a vast number of disagreements by eliminating the man who has been approached and the man of oblique perceptions to be found upon almost every jury, who can never see things as others see them. It is doubtful, however, if this will save it from the gradual decadence upon which it seems to have entered. There is an unwelcome consciousness of truth in a remark of Mr. Maitland, a recent English writer, that "the fact should be recognized, be it liked or not, that the trial by jury of civil cases is itself on its trial, and the verdict is going against it." My own impression is that while it may not be well adapted to certain classes of cases, it will survive in the affections of the people for many generations for the want of a more satisfactory tribunal to take its place. A serious danger threatens it, however, in the excessive zeal of its advocates, who would throw upon it the whole burden of the case. Jurors, as a rule, desire the advice of the judge and watch eagerly for any

intimation of his opinion upon the facts. Why should they be denied the benefit of his experience and counsel? Simply because the statutes to which I have referred say that they shall, and that the power of the judge shall be limited to reading bald instructions to the jury. In my opinion this is a grave error, and one that is likely to create such profound distrust with the whole system as to result in a complete reformation or in its abandonment. Indeed, it is safe to say that if trial by jury shall come to an end in this country, it will perish in the house of its friends.

PAPER

READ BY

WALTER B. HILL.

THE FEDERAL JUDICIAL SYSTEM.

It was said of a great writer, who, in the days of absolutism, expounded boldly and clearly the natural rights of men, that he had recovered the lost title-deeds of humanity.

But there is one natural right to which humanity cannot yet read its title clear in any practical expression of remedial law—

THE RIGHT TO JUSTICE.

Each of us has, independently of social organization, a natural right to redress his own injuries. When the State, which is the all-of-us, takes away this right from the individual, the each-of-us, she is bound to provide a substitute, to wit: a mode of redress in the courts.

This is admitted, but there is a vital corollary, derivable from this fundamental proposition, which is practically ignored, to wit: that the substitute ought to be as nearly as possible an equivalent for the natural right of which it takes the place.

Now, the natural right of redress is one which is capable either of instantaneous or very prompt assertion. If, in the state of nature, another commits upon me an assault or other personal injury, my right arm proceeds to enter up judgment against him on the spot. It may be gravely questioned whether

an action for damages—dragging its slow length along during the tedious and well-nigh endless chronology of the law—is a very adequate equivalent for my surrender of the right to summary relief. If the savage, who found his bow and arrow taken from him, and who would carry an action of trover into execution within the time it now takes to file a writ, were requested to enter the civilized state, he might perhaps hesitate if he were told that in civilization he could only recover his bow and arrows after a lapse of several years from the time he began the effort. These considerations make it quite clear that organized society owes to the citizen the obligation of a speedy and inexpensive redress of injuries in return for the surrender of the individual's personal privilege. Men have a right to justice; and justice that is not both free and reasonably sure, and, above all, timely, does not deserve the name of justice.

These are glittering generalities, but it is well to recur to first principles when they seem in imminent danger of being forgotten. The Federal Judicial System, in its present condition, is an example of the violation and denial of some of the fundamental principles that should govern the administration of justice.

JUDICIAL SARCASM.

The Judicial System of England, prior to the adoption of recent reforms, was well described by Mr. Justice Maule, in passing sentence upon a prisoner convicted of bigamy. The defendant was called upon, as usual, to say why sentence should not be pronounced. Prisoner: "Well, my Lord, my wife took up with a hawker and ran away three years ago, and I have never seen her since, and I married this other woman last winter." Mr. Justice Maule: "I will tell you what you should have done, and if you tell me you did not know, I must tell you the law conclusively presumes that you did. You ought to have instructed your attorney to bring an action against the hawker for criminal conversation with your wife.

That would have cost you about £100, and would have required about two years. When you had recovered substantial damages against the hawker, you should have instructed your proctor to sue in the Ecclesiastical Courts for a divorce *a mensa atque thoro*. That would have cost you £200 or £300 more, and would have taken about two years longer. When you had obtained a divorce *a mensa atque thoro*, you would have had to appear, by counsel, before the House of Lords, for a divorce *a vinculo matrimonii*. The bill might have been opposed in all its stages in both houses of Parliament, and altogether you would have had to spend about £1000 or £1200, and perhaps three years might have elapsed before you succeeded. You will probably tell me that you never had a thousand farthings of your own in the world, and that you did not want to wait seven years; but, prisoner, that makes no difference. Sitting here as a British judge, it is my duty to tell you that *this is not a country in which there is one law for the rich and another for the poor.*"

To say that the Federal Judicial System equally deserves this satire, is to make a grave charge; but such a statement is only too well supported by known and admitted facts. For the last fifteen years, the unconscionable delays incident to the hearing of a case in the Supreme Court, and the utter inadequacy of the judicial force in the Circuit Courts to do the business contemplated by their organization, have been

THE DESPAIR OF LITIGANTS

and the reproach of the system. Practically, a period of more than three years elapses between the determination of a case in the Circuit Courts and its hearing in the Supreme Court. The judicial machinery, provided by existing laws to accomplish the work of the Circuit Courts, is so inefficient that the work incident to their jurisdiction must either remain undone or else be done by the Circuit or District Judges, sitting alone, without any adequate provision in the majority of cases decided by them for a review—which is an ancient and sacred right of the common law, vital to the interests of justice.

The evils of this state of affairs are defenceless and undefended. Why then have they continued so long? Under popular government, legislation is supposed to respond promptly to public opinion. But it is a curious anomaly that a reform must frequently wait many years after its universal acceptance as an idea, before it emerges into adoption. Special reasons have operated to extend the chronology through which the abuses in the Federal judicial system have waited for redress. These abuses affect keenly and directly only the litigants and lawyers. The litigants are a small class, as compared with the whole community. Their curses are loud and deep, but they are not united into a chorus. No philanthropist has founded a Society for the Relief of Suffering Litigants. The lawyers, the rank and file of the profession, are generally indifferent to law reform. Romilly, Brougham, and Coleridge, never had the sympathy of the English Bar in their great achievements in that direction. With admirable precision, Whateley has pointed out the partial disqualification for law reform, produced by "the lawyer's constant habit of fixing his thoughts on what the law is, and withdrawing it from the irrelevant question of what the law ought to be." The professional intellect becomes subdued to what it works in, like the dyer's hand.

In our Bar Associations, the lawyers have exhibited some sensibility to the need for reform, but there has been no time, since this evil existed, when there were not enough lawyers in Congress, had they felt any earnest professional (distinct from political) interest in the matter, to secure the enactment of remedial measures. The political influences which have prevented such legislation will be more fully referred to hereafter.

In this paper the evils of the delays of the Supreme Court will first be considered, and then the evils growing out of the want of any adequate provision for a review in cases in the Circuit Courts where less than five thousand dollars is involved, and in criminal cases. I shall then discuss the different methods or plans that have been proposed as a remedy for these evils.

It would be difficult to say which of the two abuses indicated is the more grievous and more urgently demands redress. No plan is worthy of consideration which does not provide for both. In the February number of the *Forum*, Judge Coxe, of the United States District Court for the Southern District of New York, has suggested that the relief of the Supreme Court, from the present accumulation of business, may be accomplished by that court without any legislation. Inasmuch as the average number of cases annually disposed of by the court exceeds the average number annually added to the docket by about thirty, he suggests that the court should begin its session about the middle of September and extend the same to the middle of June; but it has been estimated that this mode of relief would be so gradual that the court would not be enabled to catch up with its docket in less than twenty years. This is altogether too homeopathic a remedy for a serious

CONGESTION OF THE DOCKET;

but even if this suggestion would secure the relief of the Supreme Court, it would not dispense with the necessity for legislation relative to the District and Circuit Courts.

In regard to the delays in the Supreme Court, let us first look at the facts in the case. In considering the administration of justice in the Supreme Court, historically, the first fact that strikes our attention is that there has been no expansion in the Judicial System at all comparable to the growth of the country and the increase of business. "It is one of the traditions of law that in the simplicity of Marshall's day, when the only indulgence was a bottle of Madeira, Chief Justice Marshall would occasionally ask one of his associates to step to the window and see how the weather was, and when the judge was compelled to report that the sky was cloudless and the sun was shining brightly, Marshall would pronounce this judgment: 'Well, our jurisdiction is so extensive that I am sure it must be raining somewhere within it to-day, and I think on the whole we will have our bottle of Madeira.'"

The territory has been considerably enlarged, and the civilization which has now made it possible to know at Washington where it is raining, if it is raining at all, has so increased in complexity that the court which in Marshall's day could dispose of the litigation brought to it from that large jurisdiction is no longer equal to the task. The new wine is too much for the old bottles.

In 1789 there were six judges of the Supreme Court; in 1807 the number was increased to seven; in 1837 it was increased to nine. Since then there has been no increase, although in the mean time our nation has grown to such proportions that an American citizen, whose geography is quite patriotic, proposes to bound our country as follows: "Bounded on the north by the Aurora Borealis; bounded on the east by the history of the past; bounded on the south by the Tropical Zone; bounded on the west by the Day of Judgment."

Prior to 1847 there was no term of the court at which the number of cases on the docket exceeded two hundred and forty-seven, whereas the number now exceeds thirteen hundred. Originally there were thirteen districts. Now there are sixty-five, in nearly all of which Circuit Courts are held.

Between the dates above mentioned the population has increased from two millions to more than fifty millions. The trend of these suggestions is not in the direction of an increase in the number of judges composing the Supreme Court. It is probable that the court is more efficient with its present number than it would be with an increase of judicial force. The increase, however, in litigation resulting from the great increase in population and in material development obviously suggests that some new limitations must be placed upon the volume of business coming into that court.

For the last two decades the docket of the Supreme Court has been steadily falling in arrears. At the close of the October Term, 1883, there remained undisposed of 847 cases. At the close of the October Term, 1884, the number was 855. Each successive year this ratio of increase has been preserved;

at the close of the last term the number was 1146; each term finds the court struggling under ever-increasing strata of undone work, and the future annual increase is so visibly assured that any remedy which is proposed should obviously take account not only of the present accumulation, but also of the prospective increase of the accumulation.

DELAY OF JUSTICE.

1. The first evil to be mentioned is that which results directly in the delay of justice to the individual suitors. It is a fact full of significance that in *Magna Charta*, the pledge against the delay of justice is given concurrently with that against the sale and the denial of justice, as if the three abuses were of equal enormity. And is it not indeed so? If the sale of justice involves greater corruption, and the denial of justice greater outrage than its delay, they result alike in the defeat of justice. To *delay* justice is but to *deny* it, by holding the promise to the ear and breaking it to the hope. To *delay* justice to one suitor is but to *sell* it to his adversary. The delay of practically more than three years, which results from an appeal, often drives the prevailing party into grievous and sometimes ruinous sacrifice under the name of compromise.

Mr. Justice Miller says: "The speed and rush with which business is now carried on, as compared with what it was even fifty years ago, can hardly be realized; and it leaves no time for the man immersed in the pursuits of life to sit down and await the event of a protracted litigation, though it may involve his all. He can better afford to compromise or abandon a claim in which he has been sustained by a judgment in his favor, than to waste time or to do without the money until it can be decided again."

In order to ascertain the facts upon this and the kindred topics discussed in this paper, I prepared a circular letter, containing various inquiries, and addressed it to the clerks of the Circuit and District Courts. The responses to the latter were general, indicating a willingness on the part of the

officers of the courts to furnish all information within their power. They were fairly representative, having been received from all parts of the United States, and from courts in which the business was large as well as those in which it was small.

RUINOUS COMPROMISES.

One of the questions was as follows: "Do not parties, in many cases which might go to the Supreme Court, make compromises based chiefly on the delay that will intervene before a decision can be reached in the Court?"

Two-thirds of the replies to this question were in the affirmative. The other third is to the effect that the writers do not know. There are none which answer positively in the negative.

In Maryland, the Clerk of the District Court handed the circular to Judge Thomas J. Morris, who replied on this point as follows: "In cases where the successful party obtains an injunction I think the other side often gives up because the enforcement of the injunction during the three years of the appeal is destructive."

All lawyers recall the anecdote of the application to Lord Eldon for an injunction to restrain the sale of a cargo of ice, that while Lord Eldon was doubting the ice melted. The subject matter of a litigation in the Federal Courts has ample time to "melt" in the three years during which "waiting justice sleeps."

Walter Savage Landor's saying: "When the law comes down at last, she alights on ruins," is often verified by the end of an appeal.

I well recall the chagrin which I felt when I was first made to realize the evils of this delay. I had succeeded in obtaining a handsome decree for a valued client. My legal opponent came up to me and said, with a triumphant air, "Well, what are you going to do about it?" I supposed that it was in order for me to put this question to him; but alas! no. His course was perfectly plain. It was my path that was beset

with thorns. The decision was rendered in October. The losing party would appeal. The case, therefore, would reach the Supreme Court the following October. After it arrived it would repose on the snowy bosom of the docket, undisturbed by a sound, for three years longer. Thus, my adversary was safe from disturbance for four years. His counsel evidently regarded this (and rightly so) as giving him the command of the situation. Hence, his smiling complacency; and for the winning suitor, "*Hinc illae lachrymae!*" My client was what is called a business man; he reasoned within himself that the money adjudged in his favor was worth to him about twelve per cent. per annum in his business. He was, therefore, willing to deduct four years' interest at this rate, on "business principles." He also decided that he would deduct twenty-five per cent. for the uncertainty of litigation—to use his phrase, he didn't want to invest too much in "Supreme Court futures"—and he instructed me to propose a settlement to his opponent upon these terms. Thus, the delay which is secured to the losing party, under the existing system, virtually forces the prevailing suitor to agree with his adversary, quickly, and upon that adversary's own terms. What is this but the confiscation of property under the forms of law?

UNCERTAINTY, A CAUSE OF LITIGATION.

2. This delay is a great source of increase of litigation. It is an evil that is self-productive.

Thus, at an early day, after the passage of the Bankrupt Act of 1867, the question was raised, whether under the phraseology of the Act, which differed from that of the Act of 1840, a factor or other similar fiduciary was released by a discharge in bankruptcy from his liability as such. The question presented was difficult of decision. It was decided one way by numerous registers in bankruptcy, and in the opposite way by many others. The District Judges likewise differed about it, and also the Circuit Judges. The question arose in the State courts where a discharge was pleaded and the State Supreme

Court decisions show authorities like Swiss troops fighting on both sides. The question was heard in the Circuit Courts in which Associate Justices of the Supreme Court presided. One of them decided one way, and one of them the other way. The question was not settled until 1883, by a decision of the Supreme Court of the United States in the case of *Hennequin et al. vs. Clews et al.*, 111 U. S. 676. It is no exaggeration to say that there are to be found at least fifty reported cases, dealing with this question, between the time it was first agitated and the time when it received a final solution by the Supreme Court. I need not cite them. Are they not written in the chronicles of the law? A prompt decision would have saved forty-nine unnecessary cases. During that period no bankrupt factor, even if he were honest as Cæsar Birotteau, could possibly know what was the effect of his discharge in bankruptcy.

THE BARRATRY OF DELAY.

This uncertainty was obviously in itself a cause of litigation. In view of facts like this it is not too much to charge against the existing system the crime of barratry—the fomenting of lawsuits—an offence which the law itself denounces.

Another familiar illustration along this line is to be found in the decisions of the Supreme Court, relative to the various Removal Acts.

In his admirable work on the "Removal of Causes," Judge Emory Speer has called attention to what seems to be "a settled disposition upon the part of our national law-makers to reserve for the feverish wrangle of the last hours of Congress disputes relative to fundamental judicial powers, in their consequences, pregnant and vital to the welfare of the country, the usefulness of its courts and the permanency of its jurisprudence." The Act of 1867 was passed on the second of March, and the Acts of 1875 and of 1887 on the third of March.

The legislation enacted at these periods, so unfriendly to legislative equipoise, has called for repeated and careful

construction. It suggests a sad contrast between the painful intellectual labor which has gone into the construction of these Acts—the laborious search for the “intention of those who had no intention,” and the rattle-brain superficiality with which the statutes were enacted. The Supreme Court had hardly settled the practice under the Act of 1867 before the Act of 1875 brought into existence a large number of new questions with which the Circuit Courts had to deal. The Supreme Court is even yet engaged in deciding questions arising under the Act of 1875. It thus appears that the Supreme Court of the nation has been taxing its brain with the settlement of questions under this important legislation after the period when the questions had ceased to have much practical value; and when the Circuit Courts were embarrassed with a wholly different class of questions. The Supreme Court has been engaged in cracking chestnuts fallen from the trunk of a statute at whose root the axe of repeal was laid years ago, while the Circuit Courts are handling the thorny burrs of the living tree.

REVERENCE FOR LAW WEAKENED.

3. Another great evil in the existing system is the fact that the Supreme Court of the United States—the most august tribunal, not only of our country, but of the world—coordinate with the legislative and executive departments of the government—the cynosure of the nation’s eye—this grand tribunal is coming to represent in the popular mind, not the majesty of the law, but its inefficiency and paralysis. It is an unspeakable misfortune that the wholesome and conservative influence which should be exerted by this great court, upon popular opinion, is thus sacrificed, and that this high judicature is associated in public estimation with the failure of the law and with a delay of justice so grievous as to amount to its denial.

In the city where this paper was prepared a valuable improved property, standing at the corner of the two principal streets, and constituting a large part of the principal block of

business houses in the city, was in litigation in the Federal Court. About four years ago it was destroyed by fire. The case had then been recently appealed to the Supreme Court. The party in possession did not feel authorized, in view of the pending litigation, to rebuild the stores. A blackened mass of ruins thus remained in the very heart of the city. The destruction of the buildings was also a source of injury to the adjoining proprietors, who found that the value of their own places of business as "stands" or locations for trade was materially injured, and who thus suffered from the law's delay in a case not their own. The reason why the buildings were not replaced, to wit: that the case had gone to the Supreme Court and that it would be three years before a decision would be reached, became the subject of universal knowledge in a population of thirty thousand souls. The "stranger within the gates" was unavoidably struck with the singular fact that a block in the very heart of a city in which there were many evidences of thrift and prosperity, should remain in such a situation. Inquiries thus naturally suggested would evoke the explanation already stated. Thus, it is literally true that by a most striking and impressive object-lesson, staring the people in the eyes, from day to day, and month to month, and year to year, thousands and thousands of good citizens were educated into a contempt for the delay of justice in the Supreme Court of the United States and incidentally into contempt for the law.

THE APPEAL TO JUDGE LYNCH.

In the same city, not a great while ago, a worthless woman told a pitiful story at the police station, to the effect that she had been met at the depot by a man who pretended that he would give her friendly assistance and that she had been decoyed by him to a house of ill-repute and subjected to insult. Public indignation was roused to fever heat. A mob was formed at night and marched to the jail, determined to capture and hang the wrong-doer. It was in vain that the sheriff shouted that he had received a telegram giving evidence that

the woman was an abandoned character before she came to the city. "We don't want to hear any evidence," shouted the ringleaders; "we want to hang him,"—and hang him they did. In a few days proof was furnished which wholly discredited the woman and her statement, and showed that the mob had committed a blunder as well as a crime.

It is not a far-fetched suggestion that one among the subtle influences which developed that state of public opinion in which a mob was formed to take the law into its own hands, was the unfortunate education, of which I have just spoken, resulting from that object-lesson of the delay of justice. I would not make too much of a single cause among many and similar causes, but I cannot doubt that it was one of the elements that created the atmosphere of public feeling in which lynch-law found its ready executioners.

Doubtless, there are in every considerable community, one or more cases of local interest in which an appeal to the Supreme Court has brought the delays of the law into public comment and reproach.

In his address on "Truth at the Bar," Chief Justice Bleckley delivered a solemn warning, when he declared :

"There is a clamor abroad for justice, for justice of substance: and legislators, the courts, the bar, and the people may prepare to administer it on a system of procedure adequate to modern demand, or else to witness, in stolid imbecility, attempts, more and more numerous, more and more desperate, to clutch it by the rude hand of violence."

In the storm and stress of pending social agitations, the American people will have need to appeal to the sentiment of "reverence for law." Woe unto us, if disaffected agitators can retort *with truth*, "Your law is not worthy of reverence."

DISTRICT AND CIRCUIT COURTS.

The nine judicial circuits are divided into sixty-five judicial districts. Theoretically, the Circuit Courts are the principal sources of original jurisdiction. The Circuit Courts are

established in nearly all of the sixty-five districts. There are nine Circuit Judges, and inasmuch as nine Circuit Judges cannot hold sixty-five courts, it follows that the Circuit Courts are mainly held by the District Judges. Even if the Circuit Judge had the hundred eyes of Argus, and the hundred hands of Briareus, and could travel in the seven-league boots of the children's fables, and had all of the other miraculous equipments with which mythology and legend have sought to eke out the imperfections of our human nature, he could not do the tithe of the duties which, in contemplation of law, belong to his office. The only thing he can do is to exercise his jurisdiction in a few spots here and there. He wings his flight across a broad expanse and dips down in a few favored localities.

It is solemnly provided in the Revised Statutes that it shall be the duty of each Supreme Court Justice to attend at least one term of the Circuit Court for the district to which he is assigned during every period of two years.

This is more preposterous than the duty imposed on the Circuit Judge. The Circuit Justice is engaged in term with the full bench from October until May. Allowing the usual time of vacation, the statute requires of the Circuit Justice in the three remaining months of each year duties which he could not possibly perform in thrice that time.

It may well be doubted whether it is a wholesome example for Congress to pass laws relative to the highest judicial tribunal in the land which can only be intended in a Pickwickian sense. It would seem that the Judges of the Supreme Court, at least, ought to be exempt from statutes enacted with an eye single to their disregard and violation.

THE FACTS IN THE CASE.

In order to obtain exact facts as nearly as possible the following inquiries were made in the circular letter above mentioned: "Estimating the number of weeks your Court is in session, what proportion of that time, during the last five

years, has the Circuit Judge presided in the Court with the District Judge? During the same period make the same answer as to the Circuit Justice."

The average of all replies shows that the Circuit Judges are present *one-ninth* of the time. Many answers are like these: "The Circuit Judge has not been here in four years." "The Circuit Judge has been here eight days since 1870." "The Circuit Judge is here three or four days per annum." The answers relative to the Circuit Justices, of course, show still less frequent attendance at the Circuit Courts.

Another question in the circular was as follows: "In what proportion of cases, involving less than \$5,000, tried by the District Judge sitting alone as a Circuit Court, does the Circuit Judge or the Circuit Justice preside in motions for a new trial? In few or many? In one-tenth? One-fifth? One-half?"

The average of replies received shows that the Circuit Judge presides in about one-tenth of such cases. Only one answer in the entire series states that the Circuit Judge presides in as many as one-half of the cases. One reply states that the Circuit Judge never presides, except when the District Judge requests it. Another reply is that he never presides except when counsel request it. Another makes the pleasing statement that the District Judge habitually requests the Circuit Judge to preside in such cases. But this is a solitary instance—serving only to emphasise the contrasts elsewhere.

In this connection, although it is true that the Supreme Court is overburdened, it is interesting to notice that only a very small fraction of the business done in the District and Circuit Courts goes to the Supreme Court. This statement may be substantiated as follows:

The publication of the *Federal Reporter* was begun in 1880: the twentieth volume was published in 1884. If, therefore, we take the total of cases in the first twenty volumes of the *Federal Reporter*, and compare them with the cases in the Supreme Court Reports, extending from the time when the cases in the Federal Reports are first to be found in the

Supreme Court Reports, up to a period three years subsequent to the twentieth volume of the *Federal Reporter*, to wit: from Volume 106 up to and including Volume 128 of the Supreme Court Reports, we shall have an opportunity of ascertaining the facts on this subject.

ONE CASE IN EIGHTEEN.

In the first twenty volumes of the *Federal Reporter*, covering a period of about four years, there are reported 4746 cases. Of these only 264 are reported in the Supreme Court Reports of the United States within the corresponding period, showing that only one in about eighteen cases brought in the Federal Courts goes to the Supreme Court.

Of these 4746 cases, 322 were criminal cases, leaving 4424 civil cases. I caused a careful count to be made of several volumes of the *Federal Reporter*, with a view of ascertaining approximately, in how many of the civil cases, upon the average, as much as \$5,000 was involved. The examination discloses the fact that about one-half of the cases involve that sum.

Hence, on the basis of the replies before mentioned, in the space of four years there were 2212 cases in which apparently an appeal or writ of error would lie; and only 264 cases in which that right was exercised; thus showing that the estimate made as to the effect of the delays in the Supreme Court in forcing compromises was conservative, and probably short of the truth.

Hence, also there are 2212 civil cases and 322 criminal cases, of which eight-ninths of the whole number were decided by the District Judges sitting alone and in which the same Judge presided alone upon any motions for new trial or rehearing that may have been made.

It is not necessary to discuss before an audience of lawyers the advantage and necessity of an opportunity for a re-examination of causes tried in the first instance, especially those tried before a jury. Every lawyer knows that upon the first trial

of the case where neither party is able fully to anticipate all the evidence and all the legal positions of the adversary, it is difficult to secure a correct administration of the law applicable to the facts; and that in fact such a result is not generally attained. Every lawyer knows that a motion for a new trial or for a rehearing in some form is one of the indispensable steps in the administration of justice.

And every lawyer knows equally well that in the exercise of this important right the supervisory tribunal should not be the same as that before which the case was tried.

The objections to the existing system may be summed up as follows:

SHAM, CHAOS AND PREROGATIVE.

(1.) It is a sham system, in which the nomenclature does not correspond to any existing realities. The Circuit Courts are not really held by Circuit Judges, but by the District Judges; and the Circuit Judge might be styled a sort of fifth wheel in the system, had it not been shown by the testimony of officers of the courts that he is only a ninth-wheel.

(2.) It is a judicial chaos. In the accidents of which it permits, one man's case may be tried before a bench composed of Mr. Justice Miller, Circuit Judge Brewer and District Judge Brown. Another man's case, perhaps more important and difficult, may be tried before one District Judge—possibly the least eminent of all.

In all that has here been said, in reference to the hearing of cases by the District Judges sitting alone, I wish distinctly to disclaim the placing of any emphasis on the fact that they are *District* and not Circuit Judges. I am informed by an eminent District Judge who has had a natural interest in making the investigation and doubtless pardonable pride in stating the result that the appeals from the decisions of the District Judges to the Supreme Court show quite as many affirmances and as few reversals as the appeals from the judgments of the Circuit Judges. I take pleasure in mentioning the fact upon his

authority, and in calling attention to the view that the evil needing remedy is the evil of too great responsibility cast upon one Judge—be he Circuit or District Judge. And this leads to the next point.

(3.) It is a system of one-man prerogative. A great part, at least one-half, of the litigation in the Federal Courts, in civil cases, involves less than \$5,000. In these cases the District Judge is the final arbiter of the rights of the parties.

The power to grant an injunction and to appoint a Receiver, when the power is not limited by the right of seasonable revision, is too great a prerogative to be vested in any one man, howsoever wise or good.

Sir William Wyndham was once attacking a plan of campaign announced by the British Ministry in Parliament. They proposed to capture Antwerp by a *coup de main*, a combined attack by land and sea, employing twenty ships and forty thousand infantry. Sir William, in opposition, said, "Good God, sir! talk of taking Antwerp by a *coup de main*, with forty thousand men and twenty ships of the line, you might as well talk of a *coup de main* in a Court of Chancery!"

This has ranked ever since as the masterpiece of hyperbole; but a *coup de main* in a Court of Equity, by which the entire estate of an individual is sequestered, and by which corporate franchises are wrested from the control of those in whom they have been vested by the legislature and by stockholders, is no longer the hyperbolical thing which gave point to Sir William's jest. In the matter of railroad receiverships particularly, it is known that some of the Federal Judges have carried on things with a high hand. There is no right to a writ of error in any criminal case tried in the Circuit Court, except by recent statute in capital cases, so that one man is the sole arbiter of the liberty of an American citizen. The power exercised by the Federal Judges, in commenting on the evidence before the jury, adds emphasis to this statement. There never was a man good and wise enough—there never will be a man

good and wise enough—to be entrusted with these arbitrary powers! The truth is the Federal Judge is the one startling contradiction to our American Institutions—he is the

ANACHRONISM OF THE NINETEENTH CENTURY.

The sole instance in criminal cases (not capital), in which there can be a writ of error to the Supreme Court of the United States, is where two or more judges preside and there is a certificate of a division of opinion. Of course, this provision can have no application to cases in which one judge presides alone, and it has already been shown that these cases constitute about nine-tenths of the whole number.

In such cases, if there is any motion for new trial or rehearing, it must be heard before the same judge who presided on the first trial or who rendered the decision which is to be re-examined.

Such an appeal is not from Philip drunk to Philip sober, but from Philip sober to Philip intoxicated with the vanity of a matured opinion and doubtless also a published decision.

In the comparatively few cases where the Circuit Judge presides in such hearings with the District Judge (I mean few compared with the greater number where he does not so preside), counsel often feel that the ear of the Circuit Judge is almost as well guarded as in Bunyan's allegory, where Ear-Gate is defended with a guard of fifty deaf men. In the cases where the District Judge presides with the Circuit Court upon a re-examination of the rulings of the latter, the cause of the plaintiff in error is even more hopeless.

It is hardly necessary to say that all the strictures made in this paper are criticisms on a judicial system, not reflections on judges. In the masterly full-length portrait of the American Commonwealth, drawn by Professor James Bryce, that discriminating and conservative writer bears testimony to the ability and uprightness of the Federal Judiciary as one of the salient facts and saving influences of our judicial system. This is praise from a high source, which makes it praise indeed.

Let us now turn our attention to the different plans which have been proposed for the removal and relief of the evils which have been described.

THE MANNING BILL.

The characteristic feature of this measure is the proposed division of the court, at the beginning of each session, into three sections, to each of which shall be assigned an equal number of the cases ready for argument, but in such a manner that equity cases (including patent and copyright) shall go to one division, common law cases to another, and admiralty, revenue and all other cases to the third.

The bill further provides, that "Each division shall sit by itself to hear arguments, and if all or two-thirds of the justices assigned to a division concur in a judgment it shall be reported to a full bench and no review shall of right accrue to either party, but the court may order a case to be heard before them in general session."

"The whole court shall sit at least once a month, and before it shall be argued all cases involving the construction of the Constitution or a treaty of the United States, all writs of error from the Supreme Courts of the States, and such other cases as they may deem necessary to hear in full session. At the sessions of the whole court the judgments of the several divisions shall be delivered and entered upon the minutes of the court as the judgments of the Supreme Court."

In the great debate which took place at the annual session of this Association in 1882, arising upon the majority report of the committee favoring the Davis Bill, and the minority report favoring the Manning Bill, the latter commanded a highly respectable support both in numbers and the *personnel* of its adherents. Senator Evarts led the debate in its support. This proposition, however, no longer commands any considerable degree of professional favor. The following, perhaps, are the chief objections to the Manning Bill:

1. The constitutional objection, believed by many to be a

grave one, namely: That the bill contravenes the provision that there shall be one Supreme Court.

2. The opposition of the judges of the Supreme Court to the measure.

3. The incongruity of promulgating, as the decision of the court, the conclusion of a mere committee of the court.

4. The weakening of the authority of the decisions of the court which would result from the cause just stated.

5. The proposed measure is an attempt to provide only for the relief of the Supreme Court, and offers no remedy whatever in the direction of providing a tribunal for the review of decisions in the District Circuit Courts for which no competent provision is made under existing laws.

Doubtless, the latter is the chief reason why the scheme of the Manning Bill has been virtually eliminated from the thought of the profession and of Congress.

THE DAVIS BILL.

The characteristic feature of this bill is the appointment of two additional Circuit Judges in each of the nine judicial circuits, who, with the Associate Justice of the Supreme Court allotted to a given circuit, and two of the District Judges to be designated by the order of the court at each term, shall have appellate jurisdiction over the Circuit and District Courts within the circuit and who shall hold their sessions in the several circuits.

From this a writ of error may be taken—

(a.) When a Federal question is involved.

(b.) Where the sum or value of \$10,000 is in controversy.

(c.) When the court certifies that the case involves a legal question of sufficient importance to require a final decision of the Supreme Court, and

(d.) In patent and copyright cases without regard to amount, provided the certificate as above mentioned is made.

This bill has several times passed the Senate. This fact may be taken as an evidence of its merits.

A committee from the Law Association of Philadelphia, who prepared a valuable pamphlet to be presented to the Judiciary Committee of the Forty-eighth Congress in behalf of proposed legislation on this subject, state the strong points of this measure as follows :

1. By the high limit of appeal it effectually cuts off from the Supreme Court a very large proportion of the cases which now reach it, and so relieves it of possibly as much as two-thirds of all its labor.

2. It provides a competent review, not only for these cases which now reach the Supreme Court, and are thus cut off, but for all of these civil cases between \$500 (now \$2,000), and \$5,000, and for criminal cases which have no review, and within easy reach of every suitor.

3. It secures a review of the judgments of the Court of Appeals in all cases over \$10,000, and cases involving the construction of the Constitution, or the construction or validity of a treaty or a law of the United States, and all other cases, irrespective of amount, provided that the court shall certify their importance; and

4. It is a scheme, which, as regards the Court of Appeals, admits of indefinite expansion, should it in the future be found necessary.

The same committee criticise the plan of the Davis Bill and state the following as its defects :

1. It divides the country into sections, coterminous with the boundaries of the circuits, and thus creates sources of local influence which are neither the separate states nor the general government, the only two bases of political opinion recognized in our Constitution and laws.

2. It creates nine courts, each of which is, for the majority of cases before it, a final Court of Appeal, but without the dignity of such a court, and liable, especially in the common law cases, to be affected by local prejudice or influence. The chances for possible increase of litigation with such conflicting decisions are obvious.

3. It will almost double the number of reports of cases other than Supreme Court cases.

An additional objection to the scheme of the Davis Bill is that it creates a new court in the system, which already has three courts. It is a new planet in an already crowded firmament. The scheme has not the merit of simplicity in reference to the Federal Judicial System considered as a whole.

There is not much force, I submit, in the objections stated by the Committee of the Law Association of Philadelphia. Since these objections apply equally to the Jackson Bill, which is favored in the argument hereafter to be made, it may be well to review them now.

OBJECTIONS REVIEWED.

1. The objections that the Circuit Appellate Courts would create new political centers of influence, or sources of division, seems rather fanciful than practical. The argument proves too much; for, if it be good, it is an argument against any division of the territory into Judicial Circuits. The bill designates nine principal cities at which the Appellate Courts will hold their sessions. It is not probable that any new political cohesions would be thus formed; or that any stronger influences would gather around the places of the session of the new court than they already have by virtue of their population and commercial importance.

2. The objection that the creation of nine courts increases the chances of conflicting decisions disappears in view of the provision in the bill giving an appeal in all cases, irrespective of amount, where the court certifies that the question involved is novel or difficult. Cases in the Federal Courts are reported with such promptitude under existing arrangements that it is not presumable that two of the courts would render variant decisions upon the same question without being apprised of the fact. If so apprised, comity would lead the court reaching a conclusion different from that announced by another co-ordinate tribunal, to make such a certificate as would insure

a decision by the court of last resort. If there was doubt of this, it might be enacted, to insure ultimate uniformity of decision, that in such cases there should be a *right* of appeal.

3. The objection that it would greatly increase the number of reports may be easily turned against the objectors. They propose a system which shall have jurisdiction of precisely the same cases, which would be determined under the Davis Bill, by the nine courts. The same number of cases would therefore be reported under both bills. The deluge of reports is a great calamity, but it is useless to talk of checking it by measures as inadequate as Mrs. Partington's broom.

THE PHILADELPHIA BILL.

The Law Association of Philadelphia proposed a bill which they claimed combined the advantages and obviated the defects of the Manning and the Davis Bills. Its characteristic feature is the creation of an Intermediate Appellate Court, to be composed of seven judges, who should sit once a year in the four principal divisions of the Union, to which appeals and writs of error will lie from the District and Circuit Courts, in cases where appeals and writs of error now lie to the Supreme Court, and from which appeals and writs of error may be had to the Supreme Court—

(a.) When a Federal question is involved.

(b.) Where the amount involved exceeds \$20,000; in such cases the facts to be found by the Intermediate Appellate Court.

The chief object of the proposed measure is to deflect from the Supreme Court cases in which the jurisdiction is acquired by the citizenship of the parties; and as such a court could not be made a final Court of Appeal for such cases on account of a constitutional objection, it is proposed to accomplish that object virtually by putting the money limit at \$20,000.

For remedy of the want of review of cases under \$5,000, the Philadelphia plan proposes that decisions made by a single

Judge of the District or Circuit Court may be reviewed by the Circuit Justice, Circuit Judge (one additional Circuit Judge to be appointed in each Circuit), and a District Judge to be designated (who was not the judge making the decision), sitting in banc.

The Philadelphia plan cannot be said to have enlisted any general or earnest championship among legislators or lawyers. One of the most serious objections to it is that it would simply transfer the congestion in the Judicial System from the Supreme Court to the Intermediate Appellate Court. There is no ground to expect that this new Court of seven judges would be able to dispose of business more rapidly than the Supreme Court. Its docket would be soon crowded with thirteen hundred or more cases; and while the proposed \$20,000 limit would greatly reduce the number of cases in the Supreme Court, it is clear that the evil of delay would not be remedied, if cases remained unheard on the docket of the Intermediate Court nearly as long as they now do on the docket of the Supreme Court. A case appealed and waiting to be sounded in the higher Court is in a condition analogous to that which the theologians represent as the condition of a soul in Hades. It is practically the same if a case spends three years in the Hades of the Supreme Court, waiting for the sound of the last trumpet, as if it spends two years on the uncalled list of an over-crowded docket in an Intermediate Court and one year in the Supreme Court.

AN INSTRUCTIVE TABLE OF CASES.

While the plan of the Law Association of Philadelphia has not met with such encouragement as to warrant the expectation of its adoption, yet the committee which promulgated it performed a work of signal benefit, which has already resulted in remedial legislation.

They made an examination of seven volumes of the Supreme Court Reports (from 99 to 105 inclusive) and tabulated

the various cases in such manner as would best show, as far as it could be determined, the ground upon which each case was brought into that court. The result was as follows :

Cases from Territorial Courts	30
Cases from Courts of Claims	43
Cases from State Courts.....	90
Cases from Supreme Court of the District of Columbia.....	38
Cases by or against National Banks..	35
Patent or copyright cases.....	49
Land grant cases.....	10
Admiralty cases.....	29
Tax cases and cases against U. S. officers.....	43
Bankruptcy cases.....	20
Cases in which the U. S. was a party.....	31
Cases involving the construction of laws or treaties of the United States.....	8
Cases in which the jurisdiction of the Circuit Court was acquired by citizenship only.....	166
Cases in which the ground of jurisdiction does not appear, but presumably it was, almost without exception, citizenship.....	147

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It was estimated from this table that in thirty-four and one-half per cent. of the whole number of cases, the ground upon which the Supreme Court was asked to hear and determine them was the citizenship of the parties, while the point involved had nothing to do with United States law of any kind, but depended simply on the common law of the land which the State Courts are competent to decide and from whose decision in other similar cases no further appeal will lie. The unfortunate effect of the Removal Act of 1875, in increasing this class of cases, had already become visible and was pointed out in the report.

It can scarcely be doubted that we are indebted to the industry of the committee who presented that unanswerable "count of cases" for the wise restrictive provisions of the Act of 1887.

With a view of further ascertaining the jurisdictional element in the cases decided by the Supreme Court, I have caused a similar count to be made from Volume 106 up to and including Volume 129. (The work was done by Mr. T. E. Ryals, of the Macon Bar.)

Volumes of U. S. Supreme Court Reports.	Cases from Territorial Courts.	Cases from Court of Claims.	Cases from State Courts (Appellate).	Cases from Supreme Court of Dist. Columbia.	Cases by or against National Bank.	Patent and Copyright Cases.	Land Grant Cases.	Admiralty Cases.	Tax Cases and Cases against U. S. Officers.	Bankruptcy Cases.	Cases in which U. S. is a party—civil.	Cases in which U. S. is a party—criminal.	Cases involving construction of Laws or Treaties of U. S. (other than Laws above specified).	Cases in which Jurisdiction of the Circuit Court was acquired by Citizenship.	Cases coming up on certificate of division of opinion.	Miscellaneous Cases difficult to Classify.
106	0	2	9	5	0	8	1	5	5	2	14	3	5	51	3	0
107	0	5	12	4	3	7	1	3	4	0	8	0	4	21	4	2
108	4	0	9	6	0	0	2	6	5	6	8	6	6	28	2	2
109	2	6	6	9	2	7	0	5	8	5	10	3	4	34	5	1
110	2	5	8	6	5	8	4	1	5	3	11	2	2	41	1	0
111	6	1	13	6	8	0	3	0	3	5	6	0	1	39	0	2
112	2	6	12	8	0	5	2	1	4	0	8	4	2	35	2	1
113	2	11	10	6	2	7	5	1	2	0	13	3	3	32	1	0
114	4	3	18	5	4	8	2	1	1	2	5	3	3	22	1	7
115	3	1	13	4	2	5	7	2	8	4	2	0	7	35	1	0
116	7	10	18	7	0	5	4	1	10	1	16	1	8	28	1	4
117	3	2	6	5	1	4	2	0	9	4	6	1	3	37	1	2
118	5	6	10	3	1	4	2	3	2	0	13	2	1	24	1	0
119	8	4	13	1	2	11	1	4	1	3	3	1	6	39	2	0
120	3	11	11	1	4	3	1	2	4	2	14	4	5	42	2	0
121	0	1	7	4	5	6	3	2	3	1	4	4	1	29	2	1
122	2	1	7	2	3	5	3	3	4	4	5	0	3	28	0	2
123	4	6	12	2	4	6	10	2	4	0	11	4	3	25	2	2
124	3	8	10	6	1	8	4	1	9	4	11	4	3	26	3	6
125	1	5	10	1	1	7	2	1	8	0	8	0	5	17	0	5
126	0	0	0	0	0	8	0	0	0	0	0	0	0	0	0	0
127	2	8	7	7	2	8	6	0	8	1	9	2	9	29	0	6
128	0	5	11	1	3	6	5	2	3	1	9	2	7	30	3	4
129	5	2	5	3	2	10	1	1	5	2	6	0	4	23	0	3
Total	68	129	237	102	55	148	71	47	115	50	195	49	95	715	37	50

From this table it is obvious that the chief source of jurisdiction in these cases is that which is the least appropriate to the functions of the Supreme Court, mere citizenship of parties. This point will be referred to hereafter and its bearings on the method of relief will be indicated.

One excellent feature of the Philadelphia Bill is not to be found in any other proposed measure. That bill alone recognizes the necessity of some provision for the *immediate* removal of the large accumulation of more than thirteen hundred cases on the docket of the Supreme Court. That immense accumulation is like the mass of debris piled against the Johnstown bridge. It not only represented a past misfortune, but was in itself a menace demanding instant removal. While the Davis Bill would measurably cut off the supply of new cases, yet it is not probable that the Supreme Court would be able in fifteen years to reduce the accumulations on the docket and the annual increment so as to be able to catch up with its docket. This is a dismal prospect. In order to prevent such an event the Philadelphia Bill provides that all writs of error and appeals now pending in the Supreme Court which, had that act been in force at the time when the same were taken, would have been taken to the Court of Appeals created by that act, shall upon the application of counsel for either side be transferred from the Supreme Court to the new court. Whatever measure Congress may adopt should undoubtedly embrace a provision for the transfer to the new court or courts to be created of all cases which would have gone into such courts had they been in existence. The new courts will, of course, have their dockets clear at their organization and can at once address themselves to the disposition of the new business thus transferred to them. A large number of these transferred cases would not thereafter be returned to the Supreme Court; or, if returned, would have as early a hearing as if they had remained in the Supreme Court on its over-crowded docket.

THE JACKSON BILL.

The characteristic feature of the Jackson Bill is the transfer to the District Courts of all the original jurisdiction now exercised by the Circuit Courts in addition to the original jurisdiction they have under existing laws and the making of the Circuit Court (two additional Circuit Judges to be appointed)

an Intermediate Court of Appeal. This court will be held in each district within the circuit—thus securing greater economy and convenience than if its sessions were held at one fixed point within each circuit, as provided in the Davis Bill.

A writ of error, or an appeal, may be taken from the decisions of this court substantially as provided in the Davis Bill. In equity cases, the facts are to be found by the Circuit Court, and only the questions of law are to be determined by the Supreme Court.

This bill secured the hearty endorsement and approval of Mr. Justice Stanley Matthews. In an article, in which he expressed his views to this effect, he attached great importance to the provision last mentioned.

This bill possesses all the merits of the Davis Bill and several additional advantages. One of the most important of these advantages is that it introduces system into the Federal Judicial System. The simplicity of organization is a great merit; while the confusion that would result from introducing a new species of court into a system which already has three species is a strong argument against all the other measures.

Another great advantage of the Jackson Bill is that it brings the court to the suitor and counsel, instead of compelling them to seek the court at remote distances and with heavy expenses.

An English judge said, not many years ago: "Justice cannot be made cheap nor certain, nor can it be brought to men's doors." This was well enough, but he added, "Nor is it desirable that it should be so." Only an intellectual monster—a sort of nineteenth century Jeffreys—could have made so atrocious an utterance. What wretched traditions of delay and expense and inconvenience had been transmitted by heredity into the mind that could deliberately conceive and put forth the doctrine that it is not desirable that justice should be made free and sure and brought to men's doors! It is not likely that such a spirit will control those who ultimately frame the remedial legislation now under discussion; and it is quite probable that the greater convenience to suitors of courts,

established within the respective circuits and districts, will be a strongly persuasive consideration in favor of the bill which secures that advantage.

If the Jackson Bill were adopted, the jurisdictional limit, which was suddenly and unnecessarily raised by the Act of 1887, from \$500 to \$2,000, could be lowered; if not to \$500, then at least to \$1,000. Upon this subject Judge Emory Speer, in the work already cited, writes as follows: "It may be said that the general purpose of the Act of 1887 was to decrease and weaken the jurisdiction of the Federal Courts. That is no doubt true, and it may not be improper to remark, that so effectually has this reactionary purpose been carried out that their usefulness in the enforcement of contracts has been most dangerously impaired. This is especially true in those sections where the holdings of property values are small, and where a large proportion of the commercial contracts made with the merchants, in the trading centres of other States, are less than \$2,000 in the amount involved."

AN UNNECESSARY AND UNWISE ENACTMENT.

In the circular letter already mentioned the following questions were asked:

"Are the dockets of the Circuit and District Courts in your district so clear of accumulated cases as to enable the court to dispose of new business which is in order at each term?"

"Does every case on the docket have, at each term, a full opportunity to be heard, or are the chances of a trial diminished by the pressure of other business?"

The answers to these questions were uniformly to the effect that the dockets of the district and circuit courts were not overburdened and that all cases had a fair opportunity to be heard at each term. In view of this fact, the action of Congress in raising the jurisdictional amount from \$500 to \$2,000 is astonishing. There was no necessity for it whatever. The raising of the limit could not possibly have any effect to

relieve the Supreme Court, because cases affected by the change could not be reviewed in that court. Considering the insuperable difficulties which have stood in the path of legislation that is imperatively demanded, it is indeed remarkable that an important change for which there was neither necessity nor demand should have been so easily made. The legal profession and the public were not generally apprised of the pendency of the measure proposing this change until it had become a law.

It is highly important to the usefulness of the Supreme Court, and to the conservation of that wholesome influence which it can exert, if it shall retain the admiration and reverence of the popular heart, that it should not become nor be plausibly described as a "rich man's court." Hence, these propositions which seek to shut off the supply of cases in the Supreme Court by fixing the jurisdictional limit as high as \$10,000 or \$20,000 (or as in one other bill \$50,000) are open to serious objection. I suggest, with deference, that inasmuch as it is competent for Congress to prescribe regulations limiting the right to an appeal or writ of error, it is within the law-making power to fix limitations as well with reference to the nature or character of the questions in issue as to the amount in litigation. If so, the mere pecuniary size of the controversy should be wholly disregarded, and in all cases where the fact of citizenship alone confers jurisdiction the right to a review should be made to depend upon certificate by at least two judges, that the question involved is one of such novelty or difficulty as to require the decision of the Supreme Court.

POLITICS.

In the beginning of this paper reference was made to certain causes which had operated to delay the remedial legislation so much needed in the Federal Judicial System. Without doubt the great controlling reason which is responsible for the non-feasance in the case has been the political reason.

As long as the Senate and the President were Republican, the Senate busied itself with this matter. There was not a session at which the proposed measures were not fully discussed, and at several sessions bills were passed. During this time the House was utterly oblivious of the necessity for any action on the subject.

As soon as the House and the President were in political accord, this body at once awoke to the immediate and supreme importance of legislation relative to the Federal Judicial System. The Judiciary Committee of the House reported a bill for the creation of an Appellate Court, substantially upon the plan of the Jackson Bill. While this was going on, however, the Senate had lost all of its former zeal in the matter and it was not agitated even by the introduction of a bill.

The only comfort to be derived from this rather scandalous demonstration of the influence of partisanship upon a question of great public interest, is that by their conduct both parties have put themselves into a position where they are estopped from making any party issue against the necessary legislation.

Referring to this conduct, the editors of the "American Law Review," in the May-June number, used the following strong (but not too strong) language: "That Congress has not afforded relief long since is the grossest imputation upon the character of the so-called statesmen who fill the two houses of that body. What have the members of the Senate Judiciary Committee to say for themselves upon the subject? What have the members of the same committee of the House of Representatives to say? Is there any better excuse for this state of things than the shameful one that politicians of one party are not willing to create new courts, rendering the appointment of additional judges necessary, while the other party holds the power of appointments? A shameful commentary upon the working of republican institutions! Here is a country with an alarming surplus of money in its treasury and with a grossly inadequate judiciary. The arrears of the docket of its greatest court are so great that an appeal or writ of error

to that court is a substantial denial of justice. Such a state of things, long existing, illustrates the level of the statesmanship to the brazen-faced knaves that have bought their way into the Senate, and the demagogues and blather-skites that have talked their way into the House."

Perhaps the severity of these observations ought to be tempered when we remember that the gentlemen chiefly responsible for this grievance are members of our various State Bar Associations and of the American Bar Association. It is their misfortune that they are in politics. They hear a voice we do not hear; they see a hand we do not see. They indulge (in Lord Brougham's paraphrase), "that pleasing hope, that fond desire, that longing after immortality—in office." It is possible that if we were in their places we might do no better; but it would seem that a democratic lawyer, who has in his heart any pride of his profession or any love of justice, may well rejoice, even though he be covered with the Jeffersonian moss of fifty years, that the recent political revolution which displaced the supremacy of his party has at last brought the long expected hour when political reasons will no longer obstruct these greatly needed reforms.

Up to the present time it was impossible for this association to believe that whatever action it might take on the subject would do more than to awaken and educate professional and public opinion. Surely all its members must now hail with pleasure the day when legislation is not only possible, but probable.

I note that on the programme it is stated that discussion on the subject of this paper will be in order after its close. With a view of giving some direction to the discussion I formulate the following propositions. I do not offer them as resolutions, but merely suggest them for consideration.

RESOLUTIONS SUGGESTED.

1. This Association favors the creation by Congress of an Intermediate Appellate Court for the double purpose of relieving

the Supreme Court and of providing a tribunal for the review of the decisions rendered by District and Circuit Judges sitting alone. [This proposition is so framed as to secure the assent of those who favor the Davis Bill and the Jackson Bill. It is purposely worded so as to bring about no division of opinion as to matters of detail, but embodies a statement which it is believed will command general acceptance.]

2. The evils to be remedied are so grave and have so long urgently demanded relief that we believe the hesitation between different plans should not embarrass the adoption of some plan. Any plan that has been proposed is better than no plan.

3. The President of this Association is authorized to add to the committee on this subject one member from each State in the Union; and the committee thus constituted is requested to bring the subject to the attention of the members of this association with a view of securing their influence with their immediate representatives in Congress in aid of the passage of the legislation sought.

The latter suggestion "means business." The competition for the attention of Congress is exceedingly great. There are so many private bills and so many political measures to be considered that legislation like that now in view is likely to be crowded aside for other matters in which individuals, or corporations, or political parties, bring to bear the pressure of urgent insistence. Congress is like the gopher of the Georgia wire grass. It does not move unless it feels fire on its back or hears the thunder of an aroused public opinion. It is within the power of the members of this Association, if we are in earnest about it, to prod our national terrapin into motion.

CHEAP JUSTICE *vs.* COSTLY LEGISLATION.

It is all the more necessary to bring to bear all legitimate means of influencing the action of Congress because the proposed legislation involves an increase of the judicial force and therefore a partial encroachment upon the plethoric surplus in the treasury. Money enough is there, it seems, for everything

except the sacred interests of justice! It is sad to contrast the amounts of money expended on this country in legislation and in judicial administration. In one year the nation paid \$3,416,388.77 to bring together a mob of men at Washington to legislate. In the same year there was paid for the judicial department only \$425,872.01.

When the importance of the few laws, and changes in the law which legislative bodies enact, is contrasted with the importance of that vast system of laws which the courts must administer, these figures might shame even the junketing committee of a legislative funeral or the log-rollers of the river and harbor bill.

It is a violation of the fundamental principles of our constitution by which the three departments of our government are declared co-ordinate and equal to cripple and starve the judicial department; to leave it without a judicial force sufficient to discharge its functions and with a few laborious men, overworked and underpaid, vainly struggling under the ever-growing accessions of undone work. The American idea seems to be cheap justice, but after all nothing on earth comes so dear as that.

In his address at the last meeting of this Association Mr. Hoadly stated that in the performance of the duty assigned to him he felt that he held "a brief in the prosecution instigated by the American Bar against itself in which the accused is in danger of conviction of *non-feasance* of the charge of doing in its day and generation less than might have been done for the relief of the suitors and the improvement of the law."

Whatever, as members of this Association, we may do in behalf of the reforms which have been considered in this paper, will not only be an acquittal, at least in part, in this prosecution, but will bring the sense of service done in behalf of that great cause of which it has been said:

"Justice is the greatest interest of man on earth. It is the ligament which holds civilized beings and civilized nations

together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social purity, general happiness and the improvement and progress of our race; and whoever labors on this edifice with usefulness and distinction, whoever cleans its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name and fame and character with that which is and must be as durable as the frame of human society."

[The following letter from Circuit Judge Howell E. Jackson was received after the foregoing paper was in type. It is printed here on account of the importance of the topic to which it relates, and the clearness and force of the views presented. The writer believes that the Jackson Bill, with the additional provision for an immediate transfer to the Circuit (appellate) Court of a large part of the cases now accumulated on the docket of the Supreme Court, and with a provision limiting the right to a writ of error or an appeal in cases where citizenship alone confers jurisdiction, to those cases in which the Circuit Court certifies to the difficulty of the questions involved and the necessity of a review by the Supreme Court, is the legislation needed in the Federal Judicial System.

W. B. H.]

NASHVILLE, TENN., August 12th, 1889.

HON. WALTER B. HILL, Macon, Ga.

Dear Sir:—Your letter of the 29th of July was received on yesterday, upon my return home from a trip west; hence delay in replying. You inquired whether "it would be competent for Congress to enact that all cases pending on the appellate docket of the Supreme Court on appeal from the Circuit Court (except 425, which could be reached in 1890), should, on motion of either party, be at once transferred to the

Circuit Appellate Court of the Circuit whence it came and be there first heard and be subject to further appeal or writ of error," under the provisions of the bill I introduced in the Senate while a member of that body? That bill did not contain any such provision, but I think it would be within the power of Congress to enact such a provision. Congress cannot, of course, either exclude or abridge the *original* jurisdiction conferred by the Constitution upon the Supreme Court, but in respect to the exercise of its *appellate* jurisdiction Congress may legislate without restriction within the limits fixed by the Constitution. While the Constitution confers and defines this appellate jurisdiction in general terms in all the cases specified and enumerated, it declares that the Court shall have such jurisdiction in the cases specified "*with such exceptions and under such regulations as the Congress shall make.*" This places the appellate jurisdiction within the regulating power of Congress. It is settled that Congress must legislate in order to enable the Supreme Court to exercise the appellate power conferred by the Constitution, and when Congress has legislated upon the subject, either by making "exceptions" or by prescribing "regulations" to guide the exercise of the jurisdiction, the Court must follow the rule thus fixed. Within the limits of the Constitution as to the cases falling within the Court's appellate jurisdiction, the will of Congress is the law for the Court. In *Barry vs. Mercier*, 5 Howard 103-119, Chief Justice Taney, speaking for the Court, said: "By the Constitution of the United States, the Supreme Court possesses no appellate power in any case, unless conferred upon it by an act of Congress; nor can it, when conferred, be exercised in any other form, or by any other mode of proceeding than that which the law prescribes." To the like import is the language of the Court in *Ex parte McCordle*, 7 Wall. 506. Upon the foregoing principle—I think such a provision as you suggest might be enacted by Congress, and that it would serve a wise and beneficial purpose in relieving the over-crowded docket of the Supreme Court. Some legislation in the Federal Judicial system is imperative, and the subject should receive the prompt attention of Congress. Since leaving the Senate it has occurred to me in thinking about the needed legislation that my Bill would be improved by providing for a *Patent Appeal Court*, or Division of the Supreme Court, to which all appeals in Patent cases should be carried. This Court or

Division should be composed of able patent lawyers. Much of the time of the Supreme Court is occupied with patent cases, the records in which are generally large and require close examination and considerable study. The main body of the Court should be relieved of this work. I sincerely hope that the Bar Associations of the country may take efficient action on the subject. The nine Circuits are sending the important litigation of the country to the Supreme Court, far more rapidly than that Court can possibly dispose of it, and unless some relief is afforded, the delays incident to appeals and writs of error will amount to a practical denial of justice. * * *

Very respectfully yours, etc.,

HOWELL E. JACKSON.

REPORT
OF THE
COMMITTEE ON ARRANGEMENT OF THE LAW.

To the American Bar Association :

The Special Committee, to which was referred the communication presented to the Association at its last meeting by Henry T. Terry, Esq., of New York City, in regard to the classification and arrangement of the law, beg leave to report : That they have carefully examined the communication referred to, and, while they defer any expression of opinion upon the recommendations contained therein, they believe it should be printed with the transactions of the Association at its present session, and action thereon be postponed until the next session, and that the committee then make its final report.

JOHNSON T. PLATT,
RICHARD VAUX,
By J. T. P.

LETTER FROM HENRY T. TERRY.*

To the American Bar Association.

GENTLEMEN : The thing our law at present needs above all else is a complete scientific arrangement of the whole body of it, generally accepted by the courts, the bar and the writers of treatises and digests, and in that sense authoritative, though whether it had best be enacted into a code is a disputed question, which it is not necessary here to attempt to decide. Such an arrangement can hardly gain acceptance, if put forth by any private person, because to properly explain it would require its exhibition in actual application to its subject-matter with an amount of detail that would make a pretty large

* Ordered by the Association to be printed. See page 00.

volume, and very few lawyers could be induced to buy or read such a volume. But if it were prepared by the authority of this Association and promulgated with its approval, it would attract attention and before long win the acceptance that it deserved. There is no other service which this Association has it in its power to render to the community, to the present and to the future generations, that nearly approaches in value and importance the preparation and promulgation of such an arrangement of the law, and none which would reflect so much credit upon the Association, and there is no other body in this country so well fitted to do the work, for which reason the writer, though not a member of the Association, has ventured in this manner to call the Association's attention to the subject.

The usefulness of such an arrangement to the practising lawyer and to the judges engaged in the practical administration of the law, and its direct benefits to the community in preventing litigation, not in a bad way by making justice more costly and hard to get and so frightening suitors away from the courts, but in a good way by making the law less uncertain, do not need to be dwelt upon in speaking to a body of lawyers. Especially would it be of service in providing a sufficient, uniform and easily understood arrangement for the digests and indexes upon which we are more and more compelled to rely in preparing cases. At present every lawyer knows that on those occasions when he thinks it necessary to make an exhaustive search for authorities on a point of law, it is next to impossible to make sure that his search is exhaustive, that some important and perhaps decisive precedent, even in his own State, has not been overlooked. One reason is that every maker of a digest has his own peculiar scheme of arrangement, and what one editor puts under one head another editor puts under a very different one. I have seen a series of decisions as to the settlement of paupers put under the head of contract, because the action by which one town or county recovered against another for having been compelled to support its paupers was, under the old forms of pleading, *assumpsit* for

money paid out. Generally, in fact, there is no scientific and rational arrangement, based on adequate analysis of legal conceptions and a logical marshaling of the elements exhibited by the analysis. And indeed there cannot be; for unless such analysis and its results were already familiar to the users of the digest, such an arrangement would be less convenient than the plan now followed. That plan consists simply in taking as heads of classification some of the names of catchwords that have become at all familiar to lawyers and arranging them alphabetically. This does well enough, or at least fairly well, for what may be called the common run of legal questions, those that fall plainly and undoubtedly under some well recognized title of the law. If the question be whether a given right or interest amounts to an insurable interest in property, whether a certain alleged consideration is sufficient to support a contract, or how such or such words in a will ought to be constructed, it is seldom difficult, taking up any digest, to find all the decisions in it upon that question. But let some out of the way and unusual kind of question arise, and how hard it is to know where to look for the law! For example, if a house is on fire and a company of firemen from another town, trying to put it out, lay their hose across a railroad track and the railroad company runs its cars over the hose and cuts it, whereby the firemen are prevented from saving the house, and in an action by the owner against the railroad company the question arises whether the fact that the firemen were volunteers from outside and under no duty to help put out the fire makes any difference, or whether it can be said that the plaintiff had any rights as being in possession of the firemen's services, under what head in a digest would one expect to find the cases in point? Or if the question be whether a certain group of acts followed by a certain group of harmful consequences constituted one wrong or more than one, or whether, if a person is charged with negligence in doing a certain act, he may show, either in justification or in mitigation of damages, the motive or end for which he did

it? It is inevitable that, as we now are, a digest must be arranged largely on the ground of superficial resemblances between the external circumstances of cases or of proximate and derivative rules, rather than ultimate principles, since the ultimate principles themselves are often not clearly recognized. A distinguished English writer on law (Phillimore) has compared a general principle of our law to a cask seen tumbled about in the sea. Now one bit of it is turned up and now another, but a clear view of the whole is never got.

But great as would be the direct benefits of a good arrangement of the law generally accepted, its indirect and remote benefits would be incalculably greater.

The first of these relates to the future growth and development of the law, both by the decisions of the courts and by statutes. There is a great and growing danger in the tendency of the courts to decide upon mere superficial analogies and resemblances, following cases that look like the case in hand and neglecting analysis and principles. There is a tendency to fritter away the law into an aggregation of isolated special rules, which no human memory is strong enough to hold, to make catchwords and inaccurate phrases do duty instead of principles. But the only way that the law can be kept manageable and knowable is by its development along the lines of principle, by its having a logical frame-work upon which every special rule can be adjusted in its proper place. It is true that the law can never be entirely logical. Considerations of practical justice often compel us to admit special rules that are inconsistent with logical deductions from perfectly well-established principles. But these are never numerous relatively to the whole of the law. The great mass of the law may be and must be kept, at any cost, systematic and logical, and must not be allowed to grow in a disorderly way. But with the great and increasing bulk of the law this can only be done by a scientific and generally accepted arrangement. Then deviations would be quickly noted, and every exception would easily be recognized as an exception and not be mistaken for

a principle, and be easily put in its proper place and its limits discerned. This is equally true of statute law. Many perplexing questions on statutes might easily have been avoided had their draftsmen clearly seen their relation to established principles and the exact position in the legal scheme which they were to fill. The statutes giving damages for injuries causing death are striking examples of this. Much costly litigation would have been avoided and much confusion kept out of the law, if in each case the author of such an act had a clear idea of exactly what duties and rights it was to create and in whom those duties and rights were to be vested. Such an idea would naturally have been got from an arrangement of the law which presented a complete and orderly scheme of legal duties and rights.

Another most important indirect effect of such an arrangement would be its influence upon the character of the bar. No assemblage of lawyers need to be told that one of the most effective securities that the community has for the pure and efficient administration of justice is a certain elevation of tone in the bar. No excellence of the laws will be of much avail without that; because there are so many things that cannot be set down in any formal rule or enforced by any legal process, that enter into the actual working of any legal system. Now many things go to sustain or destroy a high professional tone in the bar. But one of the strongest is the influence upon character of the intellectual habits which the practice of his profession fosters in the lawyer. It is not without reason, nor ought that reason to be any vain pride of caste, that has led lawyers to emphasize the distinction between their profession and a trade, between the "gentlemen of the bar" and a mere body of men following the same means of livelihood. The scholarly spirit, the love of the law as a branch of liberal learning and not simply a gainful art, the mental habit that distinguishes the jurist from the mere practitioner of the trade of the law, these things are in some way connected with that high professional tone which we desire. Now nothing will more

help to cultivate these mental traits than to have the law in such shape that its mastery calls chiefly for their exercise. If it be orderly and logical, then scholarly minds will delight in its study and feed upon it; while the nearer it approaches to a mass of unorganized and arbitrary details the more will the mere digest-manipulating and precedent-hunting type of lawyer be given the advantage and developed by natural selection as in the circumstances the fittest to survive, with his generally lower professional tone. A pettifogger is seldom a lover of the science of the law.

Although the end and object of an arrangement is the eminently practical one of making the law easy to find, and it is barren pedantry to sacrifice this to any theoretical excellence of form, yet it is important to bear in mind that that practical end cannot be attained unless the arrangement adopted possesses in a high degree those characteristics which make it what, for want of a better word, we may call philosophical. As we said in speaking of the arrangements of the digests, almost any arrangement will do for the commoner and better known heads of the law. But if we are to have a place for everything and everything in its place, the arrangement must be even severely and inexorably logical. No other clue can be found which will always guide us safely through the maze of accumulated precedents. Moreover, no other arrangement can possibly be permanent, and it is very important that when this work is once done it should be done for a very long time. Logic is simply the expression of the way in which the human mind naturally tends to arrange its thoughts the more it is trained and enlightened; and a logical arrangement of a positive science like law corresponds to that "natural" order in the physical sciences after which they are all striving. Just as the artificial arrangement of Linnæus, excellent as it was in its time, has become obsolete in botany, so any artificial and arbitrary arrangement, or any arrangement based on historical conditions that have passed away, will become obsolete, and that quickly, in law.

A logical and natural arrangement must be based on and embody the results of an exhaustive analysis of legal conceptions and exact definitions of the elements disclosed by it. There is a well-known maxim that definitions are dangerous, and so they are—the kind of definitions to which that wise maxim was intended to apply. It is directed against attempts to frame in a few words complete definitions of complex legal ideas whose elementary conceptions have not been defined. It is not possible to give a short and at the same time a complete and accurate definition of such a term as contract or tort. Mr. Pollock, in his work on contracts, justly remarks that the definition of a contract must be not a single definition, but a series of them. Also, some terms, such as negligence, cannot be fully defined, because they contain elements which are really matters of fact, varying with the circumstances of each case. We do not want to attempt impossibilities; but one of the principal uses of a series of adequate definitions would be to show clearly just where those undefinable elements come in and their relations to the definable ones. But it is absurd to assert that legal principles and conceptions cannot within limits be defined—that is, that no one can tell what they are.

The proper way to frame legal definitions is as follows: A given conception must first be analyzed into its constituent elements, and these in turn into theirs, till we come to ultimate legal conceptions. These last are conceptions which the law takes ready-made, the determination of whose exact contents belongs to other departments of thought—that is, the question of whose meaning is, for legal purposes, one of fact, to be decided either by the jury or by the court as a matter of which it takes judicial notice. And the process of definition of any legal idea should begin by naming and enumerating these ultimate elements and distinctly recognizing that their contents are matters of fact. Then from these ultimate elements can be framed definitions of simple legal ideas, and with the aid of these more complex ones, and so on; and where no legal

definition is possible, that should be stated. To take a simple example: a "person" in law means any entity treated as capable of having legal rights or duties. There is no general rule to determine what entities are so treated; the different kinds of persons must be enumerated and each one separately described. Among them are natural persons. A natural person in our law means a human being, whatever it may have meant in the Roman law. The notion of a human being is complex, containing various constituent ideas. As to most of them the notion is an ultimate legal notion. The law refuses to define farther. That is, in most cases the question whether a given living creature is a human being or some other kind of an animal is one of fact. But as to some of its elements the law pushes its legal analysis farther back. There are rules strictly of law which define how far an infant *in ventre sa mere* is a person. Also a "monster" is not reckoned a person—at least for some purposes. A monster is a creature that has not the human form. But the conception denoted by the words "human form" is an ultimate one in law. No legal rule can be applied to decide the question; it is one, whether decided by the jury or the court, essentially of fact.

Take, again, a contract. This is only one species of agreement. There are many kinds of agreements that are not contracts, such as conveyances, releases or many transactions by which trusts are created. Therefore to define a contract we must first have a definition of the more general term agreement, and then we must specify the elements the possession of which differentiates contracts from other agreements, which will in their turn have been the subjects of previous definitions. Much of the matter which is now usually treated of under the head of contracts in our text-books really falls properly under the more general head, such as the greater part of the rules as to consent and the meeting of minds. But an agreement in turn is only one species of juristic acts, and the nature of a juristic act must be known and defined before we can define an agreement by adding its peculiar *differentiæ*. And back of

that lies the general definition of an act, in attempting to define which we come very near to our ultimate legal ideas, though I think that there is at least one step more of purely legal analysis before we reach them. Here the meaning of Mr. Pollock's "series of definitions" plainly appears. In fact there would not be one series, but several. Each of the conceptions that enter directly into the definition of a contract might be itself the final term of a longer or shorter series of prior definitions; so that the final definition of any complex legal term will probably turn out to be a centre or meeting-place into which several lines of definition converge. And contract in turn is itself a genus with many species. Definitions of this sort are quite possible, are not dangerous, and are an essential to the making of a good arrangement. How can we arrange well unless we have a clear understanding of the matter to be arranged? Analysis of legal conceptions, therefore, which has been neglected among us to a degree that is not creditable, is not a mere subject of speculation to the theorist who writes works on "Jurisprudence," but a matter of the most direct, practical and pressing importance; for it furnishes the only basis on which can be reared the scheme of arrangement which our law needs above all things.

It is plain, too, that such an analysis and arrangement cannot be made without to a great extent remodelling our legal terminology. It cannot be expressed in loose and popular language, and our present technical terms are not sufficient. Some must be dropped, others be retained with more or less changed meanings, and many new ones introduced. Also, the groupings will be very different from what we are accustomed to. The distinction between law and equity, for example, not merely in regard to procedure—as to which it has in most of our States ceased to have much importance, but as to substantive rights and duties—rests mainly on historical accidents and not on any philosophical basis. Whether the names legal and equitable would be retained at all in a good arrangement is a

matter of detail not to be discussed here, but if they were, it would certainly be with much changed meanings. Many rights and duties which are now separated would be grouped together and some that are now united would be separated. Much the same may be said of the torts which are now collected under the name of "conversion" of chattels. This name covers those wrongs for which the action of trover lay under the old system of pleading. But trover was introduced partly as a device to evade the wager of law in detinue, and being found convenient was extended as much as possible by construction. A tort is a breach of a duty with a violation of the right to which the duty corresponds. Probably the most scientific way, and the way which would be adopted, would be to describe duties and rights directly instead of indirectly through the wrongs that result from their violations. If so, it would probably be found that a conversion might be a violation of any one of several different duties and rights, and as there would be no reason arising from the form of the action for grouping them together, it is very likely that the term conversion would disappear.

These necessary changes would be the most serious obstacle to the adoption of the new arrangement. Our profession is proverbially conservative, and to discard familiar learning, acquired with great difficulty, would be a very unpleasant thing. But the present state of the law is fast getting unbearable, the difficulty of change will never be less, and it seems the part of wisdom to face the temporary evils of a change for the sake of the immense benefits of a good arrangement.

It is hard to say what bearing all this has on the subject of codification. The friends of codification might plausibly think it a partial realization of their desires and that it would make future codification easier; while its opponents might reply that it would make a code unnecessary, as itself giving all the advantages that could be had from a code, except from a much more full and detailed code than has ever yet been presented to the world, without the incidental disadvantages arising from

the fixed and rigid character of a code as statute law whose exact wording is law and therefore furnishes matter for litigation.

In conclusion, the undersigned earnestly begs the favorable consideration by the Association of the following plan of action in the matter :

Let a committee be appointed to receive and consider plans of arrangement. Doubtless there are lawyers in the country, whether members of the Association or not, of the highest standing, who, for their own honor and the public good, would cheerfully serve on such a committee. Their actual expenses in the work should be paid by the Association, and there can be no question that if the Association has not the funds to spare for these expenses, and others presently to be mentioned, the few thousand dollars needed could be easily raised by subscription.

Then let the committee offer a prize or prizes for the best scheme of arrangement. It would be absolutely necessary for the papers sent in to include not merely the outline of a proposed arrangement, but a good deal of analytical matter and actual exhibition of the application of the plan to the details of the law, and probably a good deal of discussion and explanation. In other words, each competitor would have to write a considerable treatise on jurisprudence and the arrangement of the law, and plenty of time should therefore be allowed. From the various plans sent in the committee should either select or compile one, or perhaps two or three alternative ones, and present the result to the Association for discussion. If possible, it would be well to have the plans to be submitted to the Association published beforehand for the criticism of the profession, and probably copies sent to eminent lawyers here and in Europe. There should be no haste and no pains spared to get the best arrangement possible, for the work once done ought to be done for centuries. A plan having been adopted, the Association should provide for the writing of an institutional work, setting out the whole of the private substantive

law, in as much detail as was thought best, in the arrangement adopted. Such a work, while it would not be in the strict sense an authority, would take its place by the side of such books as Blackstone's or Kent's Commentaries, or rather would largely supersede them, and would have an immense influence and rapidly impress its arrangement on the law of the country.

Yours respectfully,

HENRY T. TERRY.

New York City, August, 1888.

REPORT
OF THE
COMMITTEE ON BILL OF LADING.

To the American Bar Association :

The committee appointed to consider and report on the advisability of recommending the adoption by Congress of a Maritime Bill of Lading prepared and approved by the Association for the Reform and Codification of the Law of Nations, respectfully reports :

As indicated by its title, the Association for the Reform and Codification of the Law of Nations is a body whose object is to secure uniformity in commercial law and regulations. Among its efforts has been one to secure a Maritime Bill of Lading, which should be accepted as the contract of carriage between different countries—in vessels of all nationalities—so that the relative rights and duties of the shipper and ship-owner should always be the same and not depend on the laws and customs of the country to which the ship belongs or of the place where the shipment is made.

In May of 1882 a Bill of Lading was presented by that Association at its meeting at Liverpool, the most important article of which is that which gave exemption to the ship-owner from liability for accidents of navigation, “even when occasioned by the negligence, default or error in judgment of the pilot, master, mariners or other servants of the ship-owner, not resulting, however, in any case from want of due diligence by the owners of the ship or any of them or by the ship’s husband or manager.”

The form of this Bill of Lading became the subject of examination and discussion by the New York shipping merchants and steamship owners, and a committee was appointed by the

New York Produce Exchange to act upon the general subject of the form of a Bill of Lading. In May, 1883, this committee made and published a report proposing a Bill of Lading based on the Liverpool conference form, with some alterations.

The result of this report was the calling of a trade meeting and the appointment of a second committee, of whom six were steamship owners and four were shipping merchants, which prepared a revised form of Bill of Lading, to be known as the New York Produce Exchange Bill of Lading, and reported it to the Produce Exchange with resolutions adopting it and providing that upon and after December 1, 1884, "Its use shall be obligatory on all members of the Exchange in carrying out freight contracts for which no special agreement shall have been made." These resolutions were adopted and the form of Bill of Lading thus perfected has been in general use in the port of New York by every ocean steamship line since December 1, 1884. A copy of the form of the Produce Exchange Bill of Lading is attached, and also a copy of the Bill of Lading as proposed by the Association at the Liverpool conference in 1882.

The Liverpool Steamship Owners' Association, which continued the effects of the conference of 1882 and was in communication with the New York Produce Exchange committee, approved the final form of Bill of Lading as adopted by the Produce Exchange.

It has been adopted also in New Orleans, Philadelphia, and at Chicago by the Great Northern Trunk Lines in the ocean part of their through Bills of Lading from interior points of the United States to Europe.

Thus the form of the Bill of Lading of the Liverpool conference had, at the time this resolution was presented, with some well-considered modifications, been substantially approved and adopted in this country by the more important ocean carriers, with the assent and approval of the Produce Exchange as the representative of exporters in the United States.

The principle of permitting carriers by water to stipulate for exemption from liability growing out of faults in navigation where the owner is not present in person and has not contributed in any way to the loss seems admitted by the law of most maritime nations. This principle incorporated in the proposed Bill of Lading was accepted by the representative shippers in the United States as a just and fair limitation of the liability of ship-owners. Whether it would be ultimately the rule of the Federal Courts was a question, as the Supreme Court of the United States, in the case of *Railway vs. Lockwood*, 17 Wall. 439, had decided that such an exemption could not be availed of in carriage by land, as it was against public policy to permit such carriers to claim exemption from the consequences of the negligence of their servants; and as even if the Supreme Court should hold that the rule was not applicable to ocean carriers, a different ruling might obtain in the various State Courts where the question should be presented. It was thought desirable that uniformity in contracts of carriage on the ocean should be obtained by legislation in Congress under the Commerce Clause of the Constitution, and the resolution supporting the propriety of such legislation to give effect to these Bills of Lading was presented to this Association. But since the presentation of this resolution it has become *res adjudicata* in the Federal Courts as respects ocean carriers, as well as land carriers, by the decision in the case of "*The Montana*" (*Liverpool and Great Western Steam Co. vs. Phoenix Ins. Co.*, 129 U. S. R. 397), that ocean carriers cannot contract against liability for the negligence of their servants. This is put on the same ground of public policy which was applied by that court to land carriers.

Although the decision in the case of "*The Montana*" leaves the question open whether in a proper case the courts of the United States will give effect to this claim of exemption in shipments by foreign vessels to a foreign country whose commercial policy permits stipulations to that effect, where both parties have contracted with reference to the laws of the

vessel's nation, and the English Court of Appeal has considered that the decision in the case of "The Montana" is consistent with maintaining the validity of such exemption in shipments made in the United States to England by American citizens, by English vessels, where the parties have contracted with reference to English law ("The Missouri," 37 Weekly Rep., page 696). It is clear that no such exemption can be enforced in the Federal Court under the contracts in the present Bills of Lading in favor of owners of American vessels, and that the effect of any future decision, sustaining the right of owners of foreign vessels to the benefit of such exemption by contract with shippers in the United States framed with reference to the foreign law will act unfavorably on the ownership of American vessel property.

In the judgment of the committee, however desirable it may be to have uniformity in the laws of the United States with that of other nations in contracts of ocean carriage, it does not seem desirable for this Association at the present time to ask Congress to validate such a clause in the Bill of Lading, as has been declared invalid by the Supreme Court of the United States on the ground of public policy.

They therefore report that the consideration of the subject referred to this committee be postponed until a time when it will be ascertained whether the result of future decisions will require the action of Congress, to enable American owners to carry the same terms of liability as the owners of foreign vessels.

MORTON P. HENRY,
CHARLES C. BONNEY,
THOS. J. SEMMES.

REPORT
OF THE
COMMITTEE ON COMMERCIAL LAW.

This report is the same as that made in 1887, and will be found at page 332 of the Report of the Association for that year.

REPORT
OF THE
COMMITTEE ON JURISPRUDENCE AND LAW REFORM
ON
METHODS OF IMPROVING THE FORM OF AMERICAN
LEGISLATION.

To the American Bar Association:

Your Committee on Jurisprudence and Law Reform would submit the following report in regard to improving the methods of American legislation.

At the meeting of the Association in 1882, this resolution was adopted:

“Resolved, That in view of the growing evil of hasty and ill-considered legislation, and of defective phraseology in the statute law, this Association recommends the adoption by the several states of a permanent system by which the important duty of revising and maturing the acts introduced into the legislatures shall be intrusted to competent officers, either by the creation of special commissions or committees of revision, or by devolving the duty upon the attorney-general of the state.”

A paper read at the meeting of the Association by Mr. Sterne, of New York, on "Slipshod Legislation," resulted, in 1885, in the adoption of this further resolution :

"*Resolved*, That the Committee on Jurisprudence and Law Reform be directed to prepare and submit to the Association, at its next annual meeting, the draft of such laws as they shall think suitable to carry into effect the recommendation of the resolution passed by the Association at its annual meeting in 1882, relating to commissions on legislation."

In obedience to that direction, your committee prepared and reported to the Association at its meeting in 1886 (Reports of the Association, Vol. 9, p. 282), the following draft:

"SECTION 1. Within the first ten days of every stated or special session of the (*here insert the proper name of the legislative body*), the president of the Senate shall appoint (*five*) senators, and the speaker of the (*House*) shall appoint five members of the (*here insert House of Representatives, Assembly or other proper designation of the other House*), who shall together constitute a Joint Standing Committee for the Revision of Bills. Said committee shall have power to require the assistance of the attorney-general and his presence at their sessions, or, in case of his inability to act, to employ counsel and to fix, subject to the written approval of the governor, the compensation to be paid such counsel.

"SECT. 2. Every bill shall, after the same shall have passed the legislature, and before it is signed by the presiding officer of either House, be submitted to said Joint Committee for report thereon, and said committee shall report the same back to the House in which it originated. Said report shall contain such suggestions for amendments as may by said committee be regarded as necessary to make the bill express clearly the intention of the legislature, and harmonize with existing statutes and constitutional provisions, or shall state that in the opinion of the committee no amendments are necessary. Said bill shall then be considered and acted upon as to its final passage."

The report was accepted, and the consideration of its recommendations deferred to the next annual meeting. No

action was taken upon it at that meeting, and your committee would therefore now recall it to your attention.

The resolution passed by the Association in 1882 favored the revision of bills either by special commissions or committees, or by the attorney-general.

It has not seemed to your committee that it would be judicious to give the great power of clothing the intent of the legislature in words to the single hand of the attorney-general.

Nor could they recommend a resort to the aid of the judiciary. We have been taught to regard the division of legislative from judicial functions as a fundamental part of our institutions.

The respect with which Americans regard the interpretation of statutes from the bench, and the ready acquiescence with which they receive, as final, its decisions as to their validity or invalidity, would be shaken, if the same questions were or ought to have been considered and passed upon by the same tribunal before the action of the legislature. And, on the other hand, our people would never consent to give the judges a practical veto on proposed measures of legislation for the public good.

There are also weighty objections to the appointment of a standing commission for a similar purpose. Its members would expect compensation, unless already holding a salaried office, and even in that case would soon ask for an increase of salary, if, as is probable, they found their official duties thus materially enlarged. Nor is any standing commission as thoroughly in touch either with the sentiments of the people or the spirit of the legislature, as members of the latter body would be.

These considerations, and the natural reluctance of any legislature to give to others the supervision of its work, seemed to us decisive against the expediency of proposing to confide this power to special commissions, notwithstanding their members might be selected with greater care, and would probably have peculiar qualifications for the work.

Your committee have therefore reported in favor of a simple legislative committee, appointed at each session, from the members of both Houses, and aided, so far as they desire it, by the counsel of the attorney-general. In the event of his inability to be present, and in the few states where no such office exists, the committee should have such professional assistance as they may require, at the public expense.

Your committee believe the measure thus reported would prove a material check to a growing evil, and they therefore recommend the adoption of the accompanying resolution.

All of which is respectfully submitted.

SIMEON E. BALDWIN,
HENRY HITCHCOCK,
GEO. TUCKER BISPHAM,
JOHN F. DILLON,
JOHN M. BUTLER,

Committee.

“Resolved, That the Local Councils in the several states and territories be requested to endeavor to secure the adoption in each of an act substantially like the draft of a bill given in the foregoing report, and that the secretary print it in suitable form for legislative consideration, and send copies with a suitable circular letter to each councillor and to the governor of each state and territory.”

OBITUARIES.

ARKANSAS.

CHARLES P. REDMOND.

Charles P. Redmond was born in New York City, September 24, 1832, and died at Locust Valley, on Long Island, September 19, 1889. He graduated at Princeton, with honors, and afterwards graduated in the law department of the University of Virginia. Subsequently he went to Dubuque, Iowa, where he settled, and began the practice of his profession, the law. In 1861, he enlisted in the first regiment of Iowa Volunteer Infantry, and continued in the military service until the fall of 1864, when he was appointed United States District Attorney for the Eastern District of Arkansas, an office which he relinquished to accept the position of clerk of the United States Circuit and District Courts for the same district. Later he resigned these positions, and was soon after appointed, from among a number of competent candidates, Judge of the Criminal Court of Pulaski County, Arkansas; which office he held until, by a change in the Constitution of the State, the Criminal Court was abolished.

He was distinguished for the possession of many sterling qualities, being in all things a careful man. Carefulness was the trait which led to his selection, after his retirement from the active practice of his profession, as master in the important cases, especially railroad matters, which came before the Federal Court in the district above named. Invariably his discharge of duties was marked by a conscientiousness and intelligence that placed him above reproach or censure, however

others might differ from him in his conclusions. He was a good scholar and his literary tastes were refined and conspicuous. He was one of the original members of the Social Reading Club of Little Rock, Ark., assisting in its organization; a club consisting of some of the most distinguished citizens of the capital city of Arkansas. He left surviving him a widow, who deeply mourns his loss. His death has deprived her of a good and faithful husband, the community in which he lived of a worth citizen, and the profession of an accomplished and deserving member.

CONNECTICUT.

HENRY E. PARDEE.

Henry E. Pardee was born in Trumbull, Connecticut, August 11, 1831. At the age of fourteen he came to New Haven to enjoy its educational advantages, and was connected with the Lovell Lancasterian School for several years, first as pupil and later as teacher.

He entered Yale College in 1852, and early in his course took a prominent place in his class, and has since been class secretary, performing all the duties of that position until his death. He was always much interested in the success of his classmates, and published several class histories after their various meetings. He was a member of Psi Upsilon.

After graduating he accepted a position as teacher in the Russell Military Institute, where he remained two years, meanwhile studying law in the office of Ex-Governor Henry B. Harrison. He took a short course of study in the Yale Law School, and was admitted to the bar in the fall of 1860 and immediately devoted himself to the practice of his profession.

He was a self-educated man, and by the struggles and trials of his early life was thoroughly prepared for the work that

lay before him. He became at once interested in the city government, and to him are largely due many valuable improvements in the city charter as well as other state statutes more or less relating to the city. He held several city offices, and in 1869 became City Attorney, which position he retained two years, and was then appointed Judge of the Court of Common Pleas, where he served until 1873.

For several years after this he devoted his entire time to his profession, and was engaged in several cases of great importance in which intricate law points were considered and decided. In the preparation of his cases he was an indefatigable worker, and in presenting them to the court he showed an inventive genius and a clear perception of each case in all its phases. This brought success to him in many cases where success at times seemed impossible.

In 1879 he again accepted a Judgeship in the City Court, and it was while serving in this capacity that his health failed. As a judge he was quick to comprehend the points in a case, and his rulings and decisions were unusually fair and satisfactory.

He was much interested in all institutions of a charitable, reformatory or social character, and labored conscientiously in behalf of those with which he was connected. As President of the Young Men's Institute he brought that institution to a position of great usefulness.

He died January 4, 1889.

GEORGE H. WATROUS.

George H. Watrous, whose paternal ancestors were natives of Connecticut, was born in Bridgewater, Pennsylvania, April 26, 1829. Soon afterwards his father's family removed to Conklin, New York, where his earlier years were spent. After preliminary training in the common schools and at Homer Academy, and for a short time at Madison University,

he entered Yale College, as a junior, in 1850, and there graduated as one of the most brilliant members of the celebrated class of 1853. In 1855 he was admitted to the bar at New Haven, where his subsequent life was passed. In 1857 he became a partner of Governor Dutton in the practice of law, under the firm name of Dutton & Watrous. This association continued until 1861, when Gov. Dutton became Judge of the Supreme Court. Mr. Watrous remained in practice, conducting a very large and profitable business, until 1879, when he was chosen President of the New York, New Haven & Hartford Railroad Company—of which corporation he had long been a director and the principal legal adviser and representative.

In 1857, he married Harriet J. Dutton, daughter of Gov. Dutton. She died in January, 1873, leaving two sons and one daughter. In 1874, he married Lily M. Graves, daughter of Hon. Henry B. Graves, of Litchfield, who, with four children, survives him.

Connecticut has always had its full share of able lawyers. Among those of his own time Mr. Watrous gained a conspicuous position in the front rank. It was inevitable, from his whole "make-up," that he should do so. His intellect was acute, his industry was indefatigable and his ambition was directed exclusively to success in his profession. His scholarly education and habits had highly developed in him a natural capacity for logical reasoning and for nice and critical distinctions, together with a natural taste for the expression of his thoughts in choice and strong English. Above all, he was in hearty sympathy with the moral elements of the English Common Law. He shared its spirit of absolute justice, its hatred of fraud, its love of good faith in all things, its charitable temper, and its sound common sense. In fact his personal characteristics were, to a great extent, morally the characteristics of the law itself.

Devoted as he was to the law, he was not indifferent to the duties of good citizenship in affairs disconnected with his pro-

fession. His political convictions were strong, and in the earlier part of his career he was zealous among a group of young men who were specially active in originally organizing the Republican party in Connecticut. But his partizanship had no bitterness in it. In 1864, he represented New Haven in the General Assembly of the State, and at various times he was elected to municipal offices in that city, but every office that came to him came unsought.

His administration of the presidency of the New York, New Haven & Hartford Railroad Company was eminently successful. He concentrated upon the management of that great corporation all his energies, both of body and of mind. The company grew steadily in strength and prosperity along many lines of developement, until at last the health of Mr. Watrous broke down in its service, and he consequently resigned his office in 1887. After more than two years of retirement from all business, he died, July 5, 1889.

IOWA.

JOSEPH GOWDY ANDERSON.

Joseph Gowdy Anderson was born in Cincinnati, Ohio, August 30, 1848, and died in Keokuk, Iowa, February 16, 1889. Mr. Anderson was at the time of his death a member of the firm of Anderson & Davis, formerly Anderson, Davis & Hagerman. He was a graduate of the State University at Columbia, Missouri, and was admitted to the bar in Keokuk, Lee County, Iowa, in 1871. He was for several years connected with the Keokuk Law School as Professor of Code Pleadings, Law of Corporations, etc. He at one time contributed articles to the *Journal of Speculative Philosophy*. Mr. Anderson became a member of the American Bar Association in 1886, and was a member of the Local Council for his state. His untimely death was the result of cancer in the throat. Some of his life's best work was done in the "valley

and shadow of death," and his professional life went out as befitted his high attainments, in the last week of November, in a successful trial before the highest tribunal of the land. Mr. Anderson's prominence at the bar, his many and scholarly attainments and the purity and probity of his personal character are truthfully and without exaggeration portrayed in the remarks of Judge J. M. Love, of the United States Circuit Court, upon the adoption in that court of resolutions of respect to the memory of the deceased.

Judge Love said: "Human character must be judged, like the human countenance, not by particular features, which may be good or imperfect, but by the general effect of all the features. Applying this rule to the character of Mr. Anderson, it may be said, with perfect truth, that it was one of rare excellence and beauty. I can truly say that in all my intercourse with him, at the bar and in private conversation, I never heard him utter an impure or unkind word, or knew him to do one unworthy act. He was an eminently just man; and as free from malice, professional jealousy, 'uncharitableness,' as any person whom I have ever known. But I happen to know, from frequent conversations with him, that his intelligence passed the boundaries of ordinary law into the higher regions of legal philosophy and literature; and I confess my surprise to have discovered that, in the midst of his active and engrossing practice, he found time to enter upon minute and critical investigations of subjects far beyond the scope of the busy lawyer's usual studies.

"I regarded him with sentiments of no ordinary friendship. I sought and enjoyed his well-informed conversation. I consulted him frequently upon legal questions of intricacy and difficulty; and I never failed to find in him a fullness of knowledge and an amplitude of sobriety and judgment, truly surprising and admirable. In common with his brethren of the bar, and all other men who knew him, I shall always cherish his memory as a good and worthy man, as an able, conscientious lawyer, and as an excellent citizen."

MAINE.

ALBERT P. GOULD.

Albert P. Gould, a member of this Association, died at his home in Thomaston, Maine, June 3, 1888, from chronic nephritis. He had been subject to gouty rheumatism for many years, and had been a great sufferer for several years, but his strong will and vigorous constitution resisted the disease, and with the exception of short periods of severe attacks, he attended to his professional duties till a few days before his death, with that terrible energy for which he was noted, though often suffering great pain. He had a very severe illness in 1886, and was never well after it, but continued to appear in the courts, and in February, 1888, argued an important case in the United States Supreme Court, at Washington, the court extending to him the courtesy of allowing him to sit while making his argument. He argued several cases before the Maine Law Court about ten days before his death.

He was the son of Thomas Gould, and was born in Winchester, New Hampshire, August 30, 1821. He had an extended academic education, read law in the office of his uncle, Wm. Briggs, of Charlestown, New Hampshire; entered Harvard Law School in 1844, and completed his legal studies in the office of Augustus Peabody, of the Boston bar. Through this means he was connected with the office of Daniel Webster, whose devoted disciple he ever remained. He first practiced his profession for two years at Bowdoinham, Maine, and in 1848 moved to Thomaston, where he was first associated with the late Judge Ruggles, and then commenced business there for himself, though his field of practice was much more extended, appearing as leading counsel in many of the most important cases before the courts, state and national.

He was married three times; first to Perley Bryant, of Franklin County, New Hampshire, by whom he had several children, two of whom—Mrs. O. W. Davis, Jr., and Mrs. J. B. Walker—survive him. Second to Elizabeth Robinson, by whom he had no children, and his last wife was Stella Trowbridge, by whom he had one son, Albert Trowbridge Gould, who survives him.

In politics he was in early times a Daniel Webster Whig, but voted for Buchanan in 1856, and ever after acted with the Democratic party. Though interested in the politics of his own and foreign countries, he was in no sense a "politician," as that term is used, for he was too much a lawyer, and consequently too little a demagogue, to succeed in that field. He represented Thomaston in the Maine Legislature in the turbulent years of 1861 and 1862, and was a leader in that body, and has been the candidate of the Democracy for Representative and Senator in Congress.

He would be selected as a man of mark in any assembly. He had great physical and mental vigor. Few men could do as much work and as rapidly as he could. He could drop his work and resume it without reviewing, whether investigating a question or dictating a difficult argument to an amanuensis, and though interrupted for a day. He was accustomed to send all the manuscript to the printer, retaining nothing to show him the next day what he last wrote. His logic was severe; his style concise and pointed. He knew no person nor interest except his client and his cause. Be the matter large or small, it received his most careful and laborious attention. His resources and expedients were inexhaustible. He was seldom, if ever, surprised. Our Chief Justice well said: "A thousand times threatened by death, he has gone at last. A great light has gone out in your midst. Gould was a wonderful man, gigantic in some respects. He was a very enjoyable man when in calm waters. How he for years conquered disease and pain, they finally conquering him. He would have been a hero on any field."

MARYLAND.

CHARLES BEASTEN, JR.

Charles Beasten, Jr., who died in Baltimore on the 11th of January, 1889, was born in Odessa, Delaware, on the 9th of January, 1842. His father, the late Charles Beasten, was a citizen of much influence in his state, and his mother, Miss Olivia R. Cochrane, was the daughter of the late John T. Cochrane, of the Delaware Bar.

In 1855, Mr. Beasten went to Edge Hill, the preparatory school for Princeton. In 1857, he entered the freshman class at Princeton College, was graduated at the age of nineteen, and at the time of his death was treasurer of the Alumni Association in Maryland. He began the study of law in the office of the late Chancellor Bates, in Wilmington, Delaware, but after some months gave up his studies temporarily, and traveled for three years throughout Europe. On his return to America, he resumed the study of law in the office of Col. Charles Marshall, in Baltimore, and was admitted to the Bar in 1866.

In 1871, he married Miss Ella Burns, the daughter of Mr. Wm. F. Burns, of Baltimore.

Mr. Beasten continued in active practice, and was particularly successful in testamentary litigation, and at the time of his death was engaged in several disputed will cases, in Pennsylvania and Louisiana, involving large amounts of money. He had also been counsel in a number of important cases before the Court of Appeals and the Supreme Court of the United States.

Mr. Beasten was witty, spoke with vigor and earnestness, and all who were associated with him will testify to his sound judgment, the scrupulous attention which he gave to the smallest detail committed to his care, and to the force and clearness with which he presented his professional views.

JOSEPH KENT ROBERTS.

Joseph Kent Roberts was born in Prince George's County, Maryland, March 13, 1841. His father, who bore the same name, had been for many years a wealthy planter in the same county. His mother, who still survives him, is a niece of General Otho Williams, of Revolutionary fame. The subject of this sketch was educated at Georgetown College, D. C., St. John's, Annapolis, and the University of Virginia; receiving the degree of Bachelor of Laws at the last named.

Upon his return to his home in Maryland, he settled, in 1860, at Upper Marlboro, the county seat of Prince George's County, where William Wirt and Reverdy Johnson, both natives of the same county, had preceded him. He had hardly commenced the practice of his profession, when the war broke out. His father was a large slaveholder, and surrounded as he was by southern sympathizers, and thoroughly imbued with a belief in the justice of the cause of the South, he left Upper Marlboro, abandoned his profession and enlisted as a private in the Confederate army. He remained south during the whole of the war, and at its close ranked as first lieutenant of his company. He returned to Upper Marlboro after the war was over and resumed the practice of his profession as a member of the law firm of Berry & Roberts, which was dissolved by the death of Judge Berry in 1872. From that time on his practice was large and lucrative, and after the death of Judge Berry, probably the largest and most lucrative of any Maryland lawyer outside of Baltimore City.

In 1886, he associated with himself, William Stanley, with whom he was in partnership at the time of his death, October 1, 1888.

In June, 1866, Mr. Roberts married a daughter of Gen. Thomas F. Bowie, and a niece of Reverdy Johnson, who survives him with three children.

Though never a politician, he was an ardent believer in the principles of the Democratic party, and in the Maryland

Legislature of 1880 he was the acknowledged leader on the floor of the House of Delegates. Mr. Roberts was a devotee to his profession, an earnest and laborious worker and never allowed politics to interfere with his practice.

In December, 1886, upon the earnest solicitation and even importunities of his warm personal friend, Senator Gorman, he accepted, under Cleveland, the position of Internal Revenue Collector for Maryland, Delaware and the District of Columbia, and performed its duties up to the time of his death. He died October 1, 1889.

Mr. Roberts came to the bar at a time when southern Maryland lawyers stood high in the state, and some of them were men of national reputation. His first forensic contests were with such men as Reverdy Johnson, General Thomas F. Bowie, Judge Tuck and Daniel Clarke. He thus acquired the habit of most diligent search and application, to which he adhered throughout his life. His cases were always prepared; he was systematic in every thing, and was a firm believer in the efficacy of work rather than of brilliancy. The name of Joseph K. Roberts was the synonym in his county of absolute purity, uprightness of character and strictest integrity.

MASSACHUSETTS.

SYDNEY BARTLETT.

Sidney Bartlett, the contemporary and peer of the great lawyers who adorned the Bar of Massachusetts, half a century ago, and since their day for many years its acknowledged leader, passed away at the ripe age of ninety, on the sixth day of March, 1889.

He was born at Plymouth, February 13, 1799, the sixth in lineal descent from Robert Bartlett, who came to Plymouth in 1623, and from Mary Warren, who had three years earlier come over in the Mayflower. He entered Harvard College

at the age of fifteen, and four years later graduated in the class of 1818. After teaching school a short time, he prepared himself for his profession by reading law for a year in Plymouth and afterwards in Boston, in the office of Lemuel Shaw, whose partner he became on his admission to the Bar in 1821. This partnership continued until the senior partner was appointed Chief Justice of the Supreme Judicial Court.

For nearly seventy years Mr. Bartlett practiced his profession in Boston. His distinction did not come upon him suddenly, for his talents were not those that most readily attract popular attention, but the exact and careful work which he gave to every case and the concise logic with which he presented to the Court the points upon which the decision turned, gradually made the fact appreciated that at a Bar in which men of national reputation were not wanting, his name must be mentioned among the first; and as one after another of his great contemporaries, Webster, Choate, Curtis, Mason, Dexter, passed away, his recognition as the leader of the Bar of Massachusetts was universal.

Nor was a just recognition of his talent confined to his state. No lawyer who has practiced of late years before the Supreme Court of the United States has received more careful attention from the Court, and his arguments before that tribunal were regarded as at least the equal of any heard there during the same period, not only by his brother lawyers, but by the members of the Court.

The characteristics which stamped Mr. Bartlett's work were its absolute thoroughness, the irresistible logic which marked every step of his argument from the first premise to the final conclusion; and a conciseness gained by considering only the pivotal points upon which the case in hand depended. There was never anything forgotten or omitted. There was never anything useless put in; and every word fortified his positions and led on to his conclusions.

He confined his labors almost entirely to his profession, his only public services being as a member of the Massachusetts

Legislature in 1851, and of the Constitutional Convention in 1853. His life was devoted to the law. He retained the fullest vigor of mind to the last, and argued a case with undiminished force and skill only a few weeks before his death.

He was married in 1828. His wife, a son and daughter survive him.

The meeting of the Suffolk County Bar Association, called after his death, was the largest gathering of eminent lawyers ever seen in Boston upon a similar occasion, and the resolutions drafted by the committee appointed, which were entered on the records of the Supreme Judicial Court, bear witness to the universal respect and admiration which his long and useful life had won.

NEW YORK.

AARON BARLOW OLMSTEAD.

Aaron Barlow Olmstead was born on February 4, 1812, in Malta, Saratoga County, N. Y., being the fourth child of a family of thirteen. His father, Zalmon Olmstead, and his mother, Rebecca Barlow, niece of Joel Barlow, author of "The Columbiad," were of sturdy Anglo-Saxon lineage, and from them he inherited, in common with his brothers, great strength of character and elevated tastes. His boyhood was marked with a thirst for knowledge, and in course of time he entered Union College, from which he was graduated with honors. Not satisfied with his literary attainments, he became a student in the Troy Polytechnic Institute, graduating from that famous school with distinction. His great proficiency in natural science won for him high commendation, and he was chosen Professor of Chemistry in the same institution, succeeding the late Professor Emmons. Having a natural love for legal study, he at length entered the Yale Law School and fitted himself for the Bar. At his graduation he took high rank among

his fellow students. He commenced his practice in Saratoga Springs, where he entered into partnership with the late Hon. William A. Beach. In 1843 he was admitted as attorney in the Supreme Court of New York, and in the same year as Solicitor in the Court of Chancery. In 1846 he was admitted as counsellor in the latter court, and in 1847 as counsellor in the New York Supreme Court. In 1865 he became attorney and solicitor in the United States Supreme Court, and in 1873 he became attorney and solicitor in the United States District of Northern New York.

In the year 1847 he began to practice law in New York City, making his home in Brooklyn, and this he continued to do until 1863, when he was made Deputy Collector in the New York Custom House. In 1867 he returned to Saratoga, where he continued to practice law until his last illness. As a lawyer he was noted for his wise counsel and he was considered one of the best read lawyers at the Bar of his county. During his long life he was ever identified with the Protestant Episcopal Church, of which he was a warden from 1869 until his death in 1889. In 1849 he married Caroline Clement, of Saratoga, who survives him. He also left two daughters and two grandsons. He died on the twentieth of May, 1889, aged seventy-seven years.

OHIO.

STANLEY MATTHEWS.

Stanley Matthews was born in Cincinnati, Ohio, on the 21st of July, 1824. He was the son of Thomas J. Matthews, a native of Leesburgh, Va., whose boyhood was spent in Alexandria, Virginia, and youth in Philadelphia, whence he emigrated to Cincinnati, in 1818. His mother was Isabella Brown, the daughter of Col. William Brown, one of the pioneers of the Miami country, having come from Connecticut

to settle at Columbia, in Hamilton County, now within the corporate limits of Cincinnati. Here his daughter Isabella was born in 1804.

Stanley Matthews' parents removed to Lexington, Kentucky, in his infancy, and remained in that city until 1832, his father meanwhile having been Professor of Mathematics in Transylvania University, in that city. In 1832 he was elected President of Woodward High School, in Cincinnati, and returned thither. He was a man of clear and vigorous intellect, and profound learning.

In the year 1832, upon the return of the family to Cincinnati, Stanley entered Woodward High School, and remained in it until 1839, when he entered the junior class in Kenyon College, graduating in August of the following year. In the fall of 1840 he commenced in Cincinnati the study of law, and continued in this study until 1842, when he went to Maury County, Tenn., near Spring Hill, where, for a time, he assisted Rev. John Hudson, a Presbyterian clergyman, in the conduct of a school called Union Seminary. Shortly afterward he married there a daughter of James Black, of that county, and was admitted to the bar, commencing his practice at Columbia.

He remained in Tennessee but a short time, having, however, during his stay, employed his leisure time in editing a weekly political paper, called the *Tennessee Democrat*.

In 1844 he returned to Cincinnati, and in the following year was admitted to practice in the courts of his native State. He was at once appointed Assistant Prosecuting Attorney of Hamilton County, and his employment in that capacity brought him into notice as a lawyer. At this time he formed the acquaintance of Dr. Gamaliel Bailey, editor and publisher of the *Daily Herald*, a journal devoted to the promotion of the anti-slavery cause, and he became a warm advocate of that cause. Upon Dr. Bailey's departure for Washington City, to establish the *National Era*, he left the *Herald* in charge of Mr. Matthews, who continued to edit it until it failed as a

business venture. He was elected Clerk of the Ohio House of Representatives at the session of 1848-9, during which Salmon P. Chase was elected to the Senate of the United States.

In 1850, Mr. Matthews returned to the practice of his profession, and in the fall of 1851 was elected one of the three judges of the Court of Common Pleas, this being the first election under the new Constitution. He remained on the bench only until January 1, 1853, when he resigned, to become a partner with Vachel Worthington, a distinguished lawyer in large practice.

In the fall of 1855 he was elected to the Senate of Ohio, and served one term of two years. In 1858 he was appointed by President Buchanan District Attorney of the United States for the Southern District of Ohio, but resigned soon after Mr. Lincoln came into office.

At the opening of the war he tendered his services to Governor Dennison, and was by him appointed Lieut. Col. of the Twenty-third Regiment Ohio Infantry Volunteers, of which General Rosecrans was appointed Colonel, and Ex-President Hayes, Major. He served with this Regiment in West Virginia. In October, 1861, he was appointed Colonel of the Fifty-first Ohio Infantry Volunteers, and served in this command in the army of the Cumberland in Kentucky and Tennessee.

In April, 1863, while in Camp in Tennessee, he was elected Judge of the Superior Court of Cincinnati, and resigned his military command to accept this position. Circumstances affecting his health were controlling in influencing him to accept this office and retire from the army.

In 1865 he resigned the judicial office, resumed the practice of his profession, and remained in active practice until his appointment to the bench of the Supreme Court of the United States, on May 12, 1881. He had served a brief term in the Senate of the United States, however, having been elected to that office in the spring of 1877, to fill an unexpired term. He

was appointed a Justice by President Garfield, at the date above named, to fill the vacancy occasioned by the resignation of Mr. Justice Swayne. He had been nominated by President Hayes during the preceding year, but the nomination had not been acted upon at the close of that Presidential term.

He was twice married. His second wife was Mrs. T. C. Theaker, who survives him. He left five children, two sons and three daughters.

He died at his residence in Washington on March 22, 1889, and was buried at Spring Grove Cemetery, near Cincinnati.

Stanley Matthews was a conspicuous figure among his fellows from his earliest manhood. He had inherited a love of mental culture, and had received the most careful and thorough intellectual training in his youth. He was diligent in the pursuit of knowledge throughout his life. He was a lover of books, and found time, notwithstanding the activity of his professional life, to study them. He was thoroughly acquainted with all of the best literature of the age. He was chiefly devoted, however, to the science of the law, and sought to master it. He studied its fundamental principles, their philosophy, and the history of their development. He was gifted with a quick apprehension, great power of concentration and application, a sound judgment, and an abundant endowment of that indispensable quality of mind which is called common sense. He became, therefore, a scholar, and in the highest sense a jurist. His career upon the Common Pleas bench, almost at the beginning of his career as a lawyer, was short, because he exhibited in this position a degree of learning and intellectual power which at once attracted attention, and procured for him an invitation to leave the bench and join one of the foremost lawyers of the State in practice. Ten years later, when he again exercised the judicial office, as a Judge of the Superior Court of Cincinnati, he added lustre to his name, already greatly distinguished, and again yielded to urgent requests and tempting offers, from those who were in need of his talents at the bar. Leaving this bench in 1865, he entered upon a

brilliant career of usefulness and honor at the bar. He was immediately recognized as one of the first lawyers of the state, and was engaged in nearly every cause of considerable importance at Cincinnati, and in very many of such causes in the State and Federal Courts elsewhere from that time forward until the close of his professional career.

At the bar he was full of zeal and enthusiasm, but never sought success by indirection, or doubtful methods. His standard of professional ethics was very high. He rarely appeared in a trial without thorough preparation of his cause. He never appeared to disadvantage, but always manifested his superiority. He was not always at his best, however, and it required a cause which presented something exceptional to call out his full power. For such occasions, he seemed to possess a large reserve of strength. He was courteous, especially to junior members of the bar, and, although sometimes severe to seniors in the heat of conflict, he was never unjust to any.

He brought to the trial of causes not only varied and extensive learning in the law and in kindred sciences, but a matchless eloquence. He was of commanding and handsome presence, was gifted with a fine voice, and was master of the graces of rhetoric, and the rules of logic. As an orator, however, he was distinguished in one particular above every other: He possessed the power of statement to a phenomenal degree. In the opening of his cause, he stated the facts and the law of the case with such precision, force and clearness, that all who heard the statement understood it, and if his cause was just its triumph was assured.

His greatest forensic efforts were his arguments in what is known as "The Bible Case," in the Superior Court of Cincinnati, in 1869, and before the Electoral Commission, in 1877. The first named was a suit brought by many leading citizens of Cincinnati against the Board of Education of that city, to enjoin the enforcement of a resolution of that Board forbidding the reading of the Bible in the public schools. The dispute

gave rise to a heated controversy and much excitement in that city. Judge Matthews appeared, with other eminent lawyers, in behalf of the Board. He was bitterly assailed on account of this action. Warm friends were alienated from him. He was an elder in the Presbyterian Church, and had been relied upon as one of its pillars. The unreflecting could not reconcile this fact with his attitude in this litigation. He believed that the question involved was one affecting the liberty of conscience, and that it was his duty as a lawyer to aid those who held similar opinions, especially when called upon to do so in his professional capacity. His argument was a masterpiece. It was replete with learning and beauty, and was delivered with an earnest and impassioned eloquence which held his auditors spell-bound throughout its great length.

The opening sentences of his argument, which was uttered with much visible emotion, showed the nature of the trial to which he had been subjected in responding to the call to appear in the cause upon behalf of the defendants. He said:

“May it please your Honors—It would cost me a very painful physical effort to appear to-day in any case; it has cost me a very difficult and painful effort to appear in this. It is easy to swim with the tide, to go with the current, to follow in the wake of the multitude. To do things that are popular is not hard. But to stand by a man’s individual moral convictions, in opposition, not to enemies, but to friends, tries a man. If your Honors please, it tries me. Except the loss of dear children, this is the most painful experience of my life—to be told that I am an enemy of religion, that I am an opponent of the Bible, that I have lost in this community my Christian character, and that my children and my grandchildren will reproach my memory for this day’s work. For all that, and more, has not been whispered merely through the crowds, but has been told me to my face. If your Honors please, I would be silent to-day, if I dared, but I have no choice.”

The excitement passed away, however, and his position upon this question came to be understood, and the friends who had turned away their faces, both in sorrow and in anger, came back to him.

His argument before the Electoral Commission is matter of public history. It formally established his title to rank with the first lawyers of the land.

His brief Senatorial term was long enough to enable him to exhibit his great power in that body as a statesman and constitutional lawyer.

His nomination to the Supreme Bench by President Hayes, who had known him intimately from their boyhood, and who knew not only his power as a lawyer, but his worth as a man, was resisted by a number of leading Senators, themselves eminent lawyers. This opposition was based upon the apprehension that one who had for years been liberally employed by the great railroad corporations of the country, would be in danger of being influenced in his judgment by these professional associations and interests. Such apprehensions could have been felt only by those who were strangers to him, and those who were most active in opposition to him upon this ground have been the foremost to declare prior to and at the close of his judicial life, that such apprehensions were wholly groundless, and to express the deepest regret that they had existed. No clearer testimony to the learning, the ability, and purity of Justice Matthews has been given than that which has been borne, since his death, by Senators who declined to vote for his confirmation.

Notwithstanding the opposition to his nomination when made by President Hayes, he was promptly renominated by President Garfield, who also personally knew his worth, and who did not need to be assured that the objection which had been made by strangers to him was both unfounded and unjust.

His life was austere and in all respects blameless. He was just, generous and fearless. He was ambitious, but it was an honorable ambition. He did not seek place by means of party

machinery or association. He did not hesitate to criticise his party when he thought that occasion required, or, indeed, to leave it wholly. He followed his convictions under all circumstances. He accepted high official position when tendered him because he believed that he was qualified to discharge its duties and meet its responsibilities, with usefulness to his constituency and honor to himself.

The record of the life of Stanley Matthews is made up. It is a record of faithfulness in all of his relations.

He quitted the practice of law and entered upon his career as a Justice of the Supreme Court of the United States, with the friendship, respect and admiration of the Ohio bar and of all who knew him. His eight years of service in that high tribunal added new lustre to his name, and demonstrated to the world that he was in all respects worthy and qualified to occupy a seat so exalted and so full of responsibility. Higher encomium than this no man should desire, no man could deserve.

PENNSYLVANIA.

HUGH HART CUMMIN.

Hugh Hart Cummin was born in Liverpool, Perry County, Pennsylvania, May 25, 1841. He was of Scotch-Irish ancestry, and named after his maternal grandfather. In boyhood he attended the public school in his native village, and while a young man taught it as well. He resided there until 1862, when he went to Williamsport, residing in that city ever since, becoming closely identified with its progress and prosperity. Judge Cummin never had the advantages of an academy training, but experience was his teacher and he

learned well. He read law with the late George White, Esq., and was admitted to the Lycoming County bar in August, 1864. When this state was invaded by the southern hosts in 1863, he shouldered his musket and went to the front. After the war a partnership was formed with his preceptor, under the title of White & Cummin, which was continued until the death of the former in 1868. Judge Cummin continued the practice of law himself until 1878, when he was elected President Judge of the Lycoming County courts, as a people's candidate, by a handsome majority, after a very hot contest. When elected to the bench the business of the courts was two years behind-hand. Within two years thereafter the business was brought up to date by Judge Cummin, and so continued during the rest of his term. The annual expenses of the courts were also reduced about one-half by him. After retiring from the bench, the first of the present year, he resumed the practice of his profession, after having made a record on the bench second to none in the commonwealth. When the great flood of June 1 devastated Williamsport, Judge Cummin became very much interested in the condition of the stricken city and her destitute people. Indeed, he neglected all of his personal and professional affairs and worked day and night for their relief. He was elected treasurer of the Citizens' Relief Committee, and was the originator of the plan adopted to ascertain the losses of individuals by means of blanks and affidavits. So well did Judge Cummin perform the noble work there, which he undertook freely and voluntarily, that Governor Beaver appointed him a member of the State Flood Commission, and subsequently he was elected unanimously by that distinguished body of men, their resident representative and executive at Johnstown.

Judge Cummin was married May 25, 1869, to Charlotte, the eldest daughter of John White. He died August 12, 1889, from a disease contracted by over-exertion at Johnstown.

WILLIAM HENRY RAWLE.

William Henry Rawle, of the Philadelphia Bar, was connected on all sides with the profession of the law. His father, William Rawle, Jr., both his grandfathers, William Rawle, Sr., and Edward Tilghman, and his maternal great-grandfather, Chief Justice Benjamin Chew, were distinguished practitioners, and some of them prominently connected with the official administration of justice. Among his collateral relatives are to be found Chief Justice Tilghman, the late Thomas I. Wharton and sons, Dr. Francis Wharton and his equally accomplished, though less known, brother, Henry Wharton. It would have been strange, if with such surroundings and belongings and breathing such an atmosphere from his infancy, Mr. Rawle could have taken up any other pursuit than that of the law; and he seems to have accepted with alacrity the duties and responsibilities thus cast upon him.

Mr. Rawle was admitted to practice at the bar of his native city at the age of twenty-one, in the latter part of the year 1844. His first appearance in the Supreme Court of the state was in the year 1848, in a case involving a point of practice; but the chief interest of his introduction at that time into the highest court of Pennsylvania is that the illustrious John Sergeant was still continuing to exhibit his great forensic powers there, his name being several times found in the same volume of reports. The next case in which Mr. Rawle is found in the Court of Errors was two years later, his argument being pretty fully reported, and when he was on the successful side. It was an important case, involving the right of alteration of the charter of a trading corporation and the mode of signifying assent to the proposed changes. After this Mr. Rawle's success was assured, and his name appears regularly in the reports down to within a year of his decease, the last cause argued by him being in the spring of 1888, in which the doctrine of the rule against perpetuities was thoroughly discussed. For forty years Mr. Rawle is thus

found actively aiding the administration of justice by his arguments before the highest court of his native state, and it is enough to say here that the court was always well supplied with materials for its judgment when he appeared before it, whatever may have been the conclusion to which it found itself impelled.

But great as his merits were on the active side of his professional life, they were only a part of his title to our respect, His book on "Covenants for Title," published as early as 1852, and passing through five editions in his lifetime, will continue an enduring source of honor to him so long as clearness of legal perception, soundness of judgment and profound learning in dealing with a technically difficult subject shall be estimated at their true value. His treatise on "Equity in Pennsylvania," published in the year 1868, in the form of a lecture before the Law Academy of Philadelphia, is an admirable view of the subject which it discusses; and the synopsis found in it, with the registrar's book of Governor Keith's Court of Chancery, contained in the appendix, which Mr. Rawle's labors unearthed from its unknown hiding-place among the archives of the state at Harrisburg, greatly enhance the value of the essay. Taken as it should always be with the "Essay on Equity" in Pennsylvania, by Anthony Lausatt, Jr., the remarkable production of a student of law, it presents to the student of the history of Equity Jurisprudence a most important view of the mode in which equitable relief has been and continues to be administered in Pennsylvania under legal forms—a system well worthy of imitation and adoption.

Mr. Rawle's address upon the unveiling of the Statue of Chief Justice Marshall, delivered at Washington in the month of May, 1884, is remarkable for its freshness, its neatness, and the absence of commonplace in dealing with a somewhat hackneyed subject. The address upon "The Case of the Educated Unemployed," made at Harvard, June 25, 1885, before the Phi Beta Kappa Society, abounds in admirable advice to the young and aspiring, conveyed in polished,

sometimes epigrammatic phrases, and a vein of high common sense runs throughout the whole of it.

Although not a frequent speaker on the occasion of gatherings of the profession, either for social purposes or more frequently to pay the tribute of respect to departed associates, some of Mr. Rawle's remarks at such meetings show with what ease and success he handles such subjects. No one who heard or who now reads addresses of this sort made by him, can fail to be delighted with the exquisite taste, the happy catching of and adaptation to the tone of the occasion, the nice discrimination of praise awarded to the subject of speeches, the high professional tone, and the thorough good-fellowship and sympathy with the members of the profession, exhibited throughout. The only regret upon reading them is that they were not more frequently delivered.

Mr. Rawle's sensitiveness shrank at all times from public deliverances, except in the way of professional work, and he needed urging, except where the outwellings of affection and sympathy flowed spontaneously from his lips.

SAMUEL ROBB.

The reputation of the Philadelphia Bar was fixed in the earlier days of the Republic, by a group of able lawyers, whose fame has extended far beyond the circle of the courts in which they practiced, and has made their ability proverbial wherever the English language is spoken.

Samuel Robb was no unworthy successor of these great men. Born in Philadelphia on the 20th of September, 1827, graduating at Princeton College in 1849, his whole subsequent life was spent in professional work, which was marked by the highest usefulness and the strictest rules of honor. While at college he gave evidence of oratorical ability of a high order, and in a class of unusual men he was known as the ablest and readiest debater among his associates. Graduating as the

second honor of his class, he delivered the valedictory address, achieving all his success in the college world apparently without an effort. He was admitted to the bar on the 12th of April, 1851, and at once engaged in active practice. But his health was too delicate to bear the strain of forensic contest, and little by little he withdrew himself from the *Nisi Prius* work and devoted himself to office business. His judicial habit of mind made him a favorite appointee of the courts, and by agreement of counsel in equity causes and as auditor and referee in complicated matters of litigated accounts, many of his decisions will be found in the Pennsylvania Reports, always approved and spoken of with praise by the judges who passed upon them.

Perhaps the most responsible and weighty piece of professional work that Mr. Robb was ever called upon to perform was in connection with the famous case of *Asa Packer vs. Joseph Noble and Barnabas Hammett*. It was a suit in equity brought by the late Judge Packer against the defendants for the settlement of a copartnership account. It was hotly contested and involved a large amount of money, no less than the profits made by Judge Packer in building the Lehigh Valley Railroad. The expenses of the litigation when it reached the Supreme Court were stated to have amounted to a million dollars, and the sum in controversy was many millions more. Mr. Robb was appointed Master in the case, his duty being both to take the testimony and report and decide upon the whole case. It had been in a slow process of litigation for eighteen years before its reference to Mr. Robb, and was contested actually before him for eight years longer. The elaborate report of the Master was the result of a vast amount of labor, and in clearness, exhaustiveness, strength and ability, it could scarcely be surpassed. It was fully sustained in the court below. When the case reached the Supreme Court of Pennsylvania, after an argument extending through an entire week, it was finally affirmed in a masterly opinion by Mr. Justice Paxson, of nearly fifty pages in the State Reports, and

every position taken by Mr. Robb was fully sustained. His labors in this case were so arduous that his health became permanently impaired; but with the true legal instinct he remained in harness, and though, in the closing years of his life, he was ill able to bear the strain even of his quietest work, yet he kept himself entirely familiar with the current decisions and the changes in statute laws.

Towards the young men of the profession his conduct was uniformly kind and generous; his vast store of learning, which a prodigious memory kept every at command, he held always at the service of his young friends. He thus afforded an example of one of the most attractive features of professional life, and one to which in a greater or less degree every lawyer has felt himself indebted—the guidance by the old and experienced jurist of the young and timid neophyte.

Although Mr. Robb never held but one political office, that of a member of the Municipal Council of his native city for a single term, he was well versed in political affairs and took the keenest interest in everything that affected the commonwealth. His political convictions were deep rooted; and at proper times he expressed them with earnestness and vigor.

In his earlier years and during the vacations of the court, he traveled extensively and with an observing eye. He was as familiar with the literature and civilization of European countries as of his own. A genial humor and a fund of anecdote made him the most agreeable of companions; but his temperament was so sensitive, that there were very few whom he admitted to the privileges of intimate intercourse. To these, it was an intellectual delight to hear him talk.

He was loved by his friends, and respected and admired by all with whom he had relations. Although he had a strong nature and held the most positive opinions, it is doubtful, so courteous was he in their expression, whether he had an enemy even among those who differed from him most strongly.

That the fame of a lawyer is ephemeral and must necessarily be so from the very nature of his profession, has been

remarked so often that the expression is trite; but the example of the career of a good man is more valuable in its quiet pervading influence than that of many a one whose noisy reputation echoes "through the corridors of time."

The memory of Samuel Robb is enshrined in the hearts of his friends and is stamped upon the jurisprudence of his state.

He died in Philadelphia on the 10th of June, 1888, not full of years, but with all the honors of a well-spent life.

His widow, a daughter of the late Chief Justice Thompson, survives him.

VERMONT.

GUY C. NOBLE.

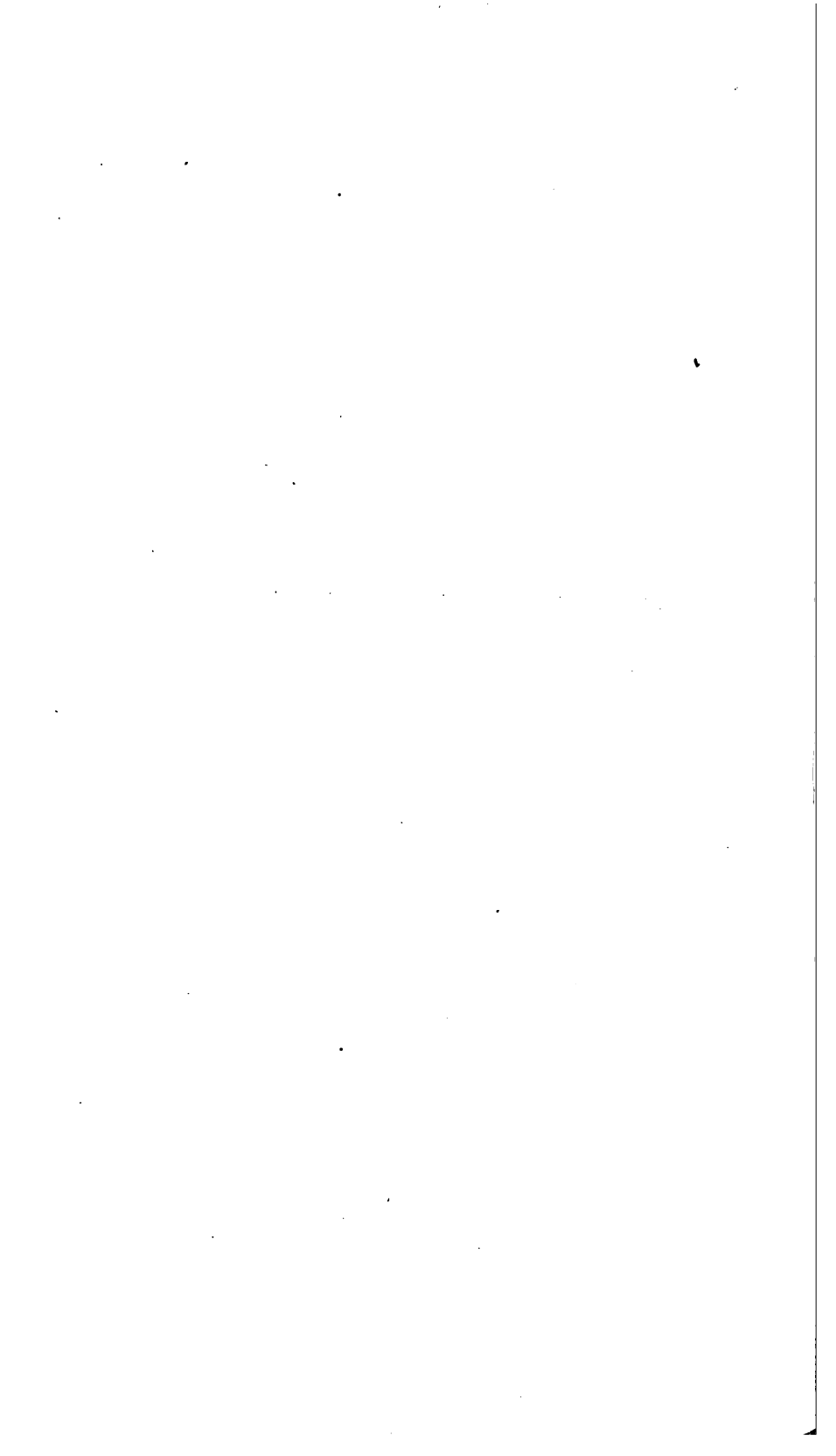
Guy C. Noble died at St. Albans, Vermont, on the 21st day of May, A. D. 1889. He was born at Franklin, Vermont, on the 9th day of October, 1839, being nearly fifty years of age at the time of his death. He received a good academic education at Potsdam, New York, and Franklin and Fairfax, Vermont, and studied law, graduating at the Harvard Law School when about twenty-one years of age. He commenced the practice of his profession at once in St. Albans, where he lived until his death. He early formed a copartnership with Julian H. Dewey, a brilliant and promising young attorney, and the firm from the start took high rank in the profession.

Mr. Dewey died at about thirty-five years of age, and Mr. Noble continued the business at the same office so long as he lived, having at different periods as partners, Park Davis, George Gregory, and E. C. Smith, sons of Governor Smith. During all his professional life he was attorney for the Central Vermont Railroad Company, and had a large and lucrative

general practice. He was married in early life to Jerusha H. Dewey, sister of his first law partner, who, with one daughter, Ardelle, and one son, Robert, survive him.

Mr. Noble took a deep interest in public affairs, and was often called to fill positions of trust, both civil and political, the duties of which he discharged with ability. In 1882 he was a member of the Legislature of Vermont, and was, during the last Presidential campaign and at the time of his death, Vice-President of the National Republican League.

He was a consistent member of the Baptist Church, and for many years one of the most influential members of the denomination in the state, being one of the Trustees of the Vermont Academy at Saxton's River, and taking a prominent part in the work of the Baptist State Convention.



REMARKS MADE AT THE OPENING SESSION.

The Association began its twelfth annual session with an introduction of the American Bar Association, on behalf of the Chicago Bar, by Lyman Trumbull, of Illinois, who spoke as follows :

Gentlemen : The American Bar Association, which is about to assemble for its twelfth annual meeting in this hall, is composed of members of the Bar from every state in the Union, and numbers among its members many of the most eminent men in our profession. The object of this Association is the cultivation of social intercourse among its members, the preservation of the honor of the profession, the advancement of justice and producing uniformity, as far as practicable, in legislation throughout the Union on various subjects, which are common to all the states. The Association has heretofore held all its meetings at Saratoga, the seat of fashion and of social intercourse, and now, at its first assemblage elsewhere, it has been thought proper by the members of the Chicago Bar Association, and also by the members of the Illinois State Bar Association, to tender to the members of the American Bar Association a hearty greeting to this great centre of commerce and business activity, and, with a view of carrying out that intention, the pleasant duty has devolved upon me of introducing the President of our Chicago Association, Mr. Lackner, and the President of the Illinois State Bar Association, Mr. Callahan, to my youthful friend, your President, the Hon. David Dudley Field.

Francis Lackner, President of the Chicago Bar Association, welcomed the Association on behalf of his organization. He spoke as follows :

It is my privilege in the name of the Chicago Bar Association to bid you welcome to this city. In doing this I need not say to you officially, what the presence here of these committees and of so many members of the Chicago Bar sufficiently shows, that we are most happy and feel honored to have you with us. We appreciate the fact, too, that your Association has selected this city for its first meeting-place outside of its real home, the great State of New York. And although we hold during the year in this railroad center meetings and conventions from all quarters of this country, and for all imaginable purposes, it has not often, if ever, been our good fortune to witness here a gathering for a common purpose of so many men distinguished not only in their profession, but many of them in the front rank of the public men of this country, and some, and not a few, of international reputation.

Not only the members of the Bar, but the public generally, aided by an enterprising press, appreciate the importance of the occasion, and will follow the proceedings of your meetings with great interest. Your constitution tersely states it to be among the objects of your Association to advance the science of jurisprudence, to promote the administration of justice and uniformity of legislation throughout the Union, and to uphold the honor of the profession of law. Every good American citizen, every member of a government whose foundation is law, and whose safety and stability depend upon an impartial administration of justice, is deeply interested in the attainment of the objects thus declared, and he ought to be, and is, with you hand and heart.

Gentlemen, you are, as every lawyer is, in a measure, public characters ; the higher up in the ranks of his profession the lawyer stands, the more conspicuously is he the object of public

opinion and of public criticism; a meeting of prominent lawyers, therefore, is public property. We live in an age where new, grave and important questions are liable to arise before our higher judicial tribunals; questions which will have to be discussed by the profession in courts and at their meetings on broad and statesmanlike grounds, and often without the borrowed light of precedent and authority.

The people of this country have the right to expect that a great profession which they have so often honored by selecting from it presidents, governors, legislators, judges and diplomatic representatives, which has its members in every department of the national and state governments, should be ever watchful of their interests and should quickly respond to every just demand for reform in the laws and in the administration of justice—reforms that are constantly called for by the ever-changing conditions and complications of a growing community.

Not until the organization of this splendid Association was concerted action possible; those who have read its reports and have followed its efforts have not been, and will not be, disappointed. When I see before me such an array of distinguished representatives of our profession, many of whom have come a thousand miles to meet their brethren in council, I have no fear that it will not march abreast with the times, or will not in all problems that may arise do its part fearlessly and ably. Although you are the representatives of the Bar of the country generally, yet, while you are here, we of this city and state shall lay claim to you especially as our representatives, and I need not tell you that we are very proud of the representation. What you may do and say and resolve we shall point to with satisfaction, and we ratify and indorse it in advance.

Gentlemen, again I bid you welcome to our midst.

Ethelbert Callahan, President of the State Bar Association, then welcomed the visitors on behalf of that Association. He said :

Mr. President and gentlemen of the American Bar Association: Your professional brethren of the State of Illinois are happy to meet you. They believe that you acted wisely in coming west to hold this meeting, and they earnestly hope that the occasion will be one of pleasant memory to each of you when you shall have returned to your respective homes. You are here as the recognized representatives of the Bench and Bar of the United States. Your Association is a voluntary one, resting wholly upon your love for, and devotion to, your chosen profession. Your membership in this Association, your presence here, are evidence sufficient of your desire to do whatever may be in your power to do 'to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of law, and encourage cordial intercourse among the members of the American Bar.' With these high purposes of your Association all lawyers are in sympathy, and should be willing to unite in organized efforts for their accomplishment.

The Illinois Bar Association was "formed to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cherish a spirit of brotherhood among the members thereof." To the accomplishment of these ends all its efforts have been hitherto directed. The objects and aims of your Association and ours are, in substance and in spirit, the same; ours confined to Illinois, yours, in its broader scope, extending throughout the nation. As a co-laborer with you, the Illinois Bar Association is here to bid you a cordial welcome to Illinois, and to the beautiful city which an American

poet has appropriately crowned "Queen of the North and West." More than this, it is here to furnish you whatever assistance it may in the prosecution of your labors at the present meeting. It is here with its firm faith in the ability of the American Bar of the present day to reform the jurisprudence of the states and of the nation, and make the laws of the future better than the laws of the past or present. In this faith it looks hopefully to the results of your deliberations at this meeting. It looks hopefully forward to what you shall hereafter accomplish. It hopes for the present advancement and final success of every purpose of your Association as declared in your constitution. The science of jurisprudence cannot be classed among the exact sciences. Its conclusions are not the results of mathematical demonstration. It must of necessity be progressive. It acquires and casts off at the same time. Its conservatism preserves all of the law that has come down from the past that is justified by right and reason, and may be wisely applied to the present stage of our civilization. Its radicalism destroys rules of law which no longer rest upon right or reason, or are no longer applicable to the present state of society. It requires knowledge of the law and skill in its application to the affairs of business men in civilized society to determine what rules of the common law should be preserved and what should be modified or repealed by legislation. Without such knowledge changes in the law do not necessarily reform the law or advance the science of jurisprudence. It is a well-known fact that one of the serious obstacles in the way of legal reform in the states is the refusal of prominent and successful members of our profession to serve in the State Legislatures. Successful manufacturers, merchants, railroad men, farmers, and business men generally, in a like manner refuse, and state legislation is given over to the control of men who are both unlearned and unskilled in the science of jurisprudence. Lawyers could do much towards removing this obstacle by consenting to render the state a

service for which the mature and experienced lawyer is better equipped than any other member of society.

"In the old days (a custom laid aside,
With breeches and cocked hats) the people sent
Their wisest men to make the public laws."

If your Association shall be able to revise this custom, if you shall adopt some measure that will send into the State Legislature men who know what the laws are, whose knowledge of public affairs and business generally qualifies them to say wherein the laws should be changed to make them better, you will have discharged one of the most important duties devolving upon this National Bar Association, and upon associations of like character in the several states.

I must resist the temptation to discuss or make further mention of matters that are to be considered by you. I concur with the thought expressed by one of your members at your last meeting, that by putting the Association 'on wheels' and moving west you make it appear more national in its character. You may not in Chicago have the benefit of the healing waters of Saratoga, but you will doubtless find beverages sufficiently refreshing to sustain you during your labors here. Your ears may not be regaled with the music of Saratoga's world-renowned halls of pleasure, but, if you will listen, you can hear the music of the grand march of the nineteenth century in the glad notes of ten thousand industries flourishing in the northwest, which the winds bring down from the mountains, up from the valleys, across the prairies, and over the lakes, and pour through the streets of Chicago, like some grand melody of the universe, breathing into our national life a new measure of that spirit of enterprise and progress which has already placed this nation in the front of the march of modern civilization.

It is in the new states of the northwest that legal reforms are most easily accomplished. They are not so much bound by tradition and precedent. They are more radical and less

conservative. They are inclined to look to the future more than to the past. They are interested in new questions, and accept new ideas. They are in their formation. They can build the new without tearing down the old. Four new states have yet to lay the foundations of their system of jurisprudence. In these states the reforms advocated by your Association may be presented with high hopes of success. They will receive considerate attention when presented. This meeting will have a large audience among the people of the new states, who look greatly to the press of this city for information upon all public questions. The Chicago press ignores nothing that is of public interest. It will fully and fairly report your discussion, and record your proceedings. Each morning, along the gleaming rails that lead out from this great center of human activity, will go multiplied thousands of the city papers. Thus will the objects of your Association and the means adopted to secure their accomplishment, be widely disseminated among an interested people, and an intelligent popular judgment pronounced upon them.

Mr. President and gentlemen, earnestly desiring that you shall have a pleasant meeting here, and that its results may fully justify the wisdom of those who are responsible for changing it from Saratoga to Chicago, the Illinois State Bar Association gives you its welcome, and pledges you its co-operation.

The President, David Dudley Field, responded to the address of welcome, on behalf of the American Bar Association. He said:

On behalf of the American Bar Association, it is my pleasure, as it is my duty, to accept your welcome; to say that we have the gratification of meeting you, and to thank you for this kindly reception. We come as brethren of one profession, acting in our several spheres for the common purpose of performing our duties in the administration of justice

to the American people. We come from different parts of the country to confer together upon the best interests of our profession in all of the states, upon the most certain, the speediest and the cheapest methods of procedure for the administration of the law, and for the improvement of the laws themselves. To these objects let us devote ourselves, and, in doing thus, let us cherish fraternal feelings and the sentiment of professional pride and honor.

MEMORANDUM OF SUBJECTS REFERRED TO COMMITTEES.

Question of a Gold Medal to be awarded annually by the Association. (See pages 6, 96.)

Resolution of Egbert Whittaker, of New York, relating to the modification of verdicts in criminal cases.

Referred to the Committee on Jurisprudence and Law Reform. (See page 6.)

Resolution of C. C. Bonney, of Illinois, referring Henry B. Brown's paper on "Judicial Independence" to the Committee on Jurisprudence and Law Reform. (See page 8.)

Resolution of Charles Henry Butler, of New York, relating to the celebration in February, 1890, of the Centennial of the Organization of the Supreme Court of the United States. (See pages 11, 97.)

Resolution of W. A. Collier, of Tennessee, on Uniform State Laws relating to wills, acknowledgments, divorce, etc. (See pages 50, 96.)

Special Committee on the Relief of the Supreme Court of the United States. (See pages 12, 13, 21, 48, 95.)

Special Committee on the Expression of the Law. (See page 22.)

Special Committee on adoption of a Uniform Maritime Bill of Lading by Congress. (See pages 22, 95.)

Committee on Commercial Law Reform.

Authorized to draft and present to Congress bills on bankruptcy and commercial regulations. (See page 35.)

LIST OF BAR ASSOCIATIONS IN THE UNITED STATES.

NOTE.—This list has been compiled by the Secretary of the American Bar Association from replies to circulars sent out; and while pains have been taken to make it as complete as possible, it is probable that some Associations have been omitted. In some cases the officers for former years are given where officers for 1889 are not known. The Secretary will be much indebted for information of any omissions and for corrections of the officers.

ALABAMA.

NAME.	PRESIDENT.	SECRETARY.
Alabama State Bar Association.	Thos. H. Watts, Montgomery.	Alex. Troy, Montgomery.
BIRMINGHAM BAR ASSOCIATION.	Jno. P. Tillman, Birmingham.	S. A. Putman, Birmingham.
MOBILE BAR ASSOCIATION.	Vacant.	H. Pillans, Mobile.

ARKANSAS.

Arkansas State Bar Association.	M. T. Sanders, Helena.	G. W. Shinn, Little Rock.
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CALIFORNIA.

California State Bar Association.	Thomas P. Stoney, San Francisco.	Charles J. Swift, San Francisco.
LOS ANGELES BAR ASSOCIATION.	A. M. Stevens, Los Angeles.	C. W. Pendelton, Los Angeles.
OAKLAND BAR ASSOCIATION.	Jas. C. Martin, Oakland.	Geo. E. DeGolia, Oakland.
BAR ASSOCIATION OF SAN FRANCISCO.	Samuel M. Wilson, San Francisco.	Samuel M. Shortridge, San Francisco.

COLORADO.

Colorado State Bar Association.	Julius B. Bissell, Leadville.	Chas. G. Clements, Denver.
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CONNECTICUT.

NAME.	PRESIDENT.	SECRETARY.
State Bar Association of Connecticut.	Chas. E. Perkins, Hartford.	Chas. M. Joslyn, Hartford.
BRIDGEPORT BAR ASSO- CIATION.	L. N. Middlebrook, Bridgeport.	Wm. H. Kelsey, Bridgeport.
FAIRFIELD COUNTY BAR ASSOCIATION.	Samuel Fessenden, Stamford.	William R. Shelton, Bridgeport.
HARTFORD COUNTY BAR ASSOCIATION.	Charles E. Perkins, Hartford.	Samuel A. Prentice, Hartford.
LITCHFIELD COUNTY BAR ASSOCIATION.	Henry B. Graves, Litchfield.	Dwight C. Kilbourn, Litchfield.
NEW LONDON COUNTY BAR ASSOCIATION.	John T. Wait, Norwich.	Lucius Brown, Norwich.
NEW HAVEN COUNTY BAR ASSOCIATION.	T. E. Doolittle, New Haven.	E. A. Ankattell, New Haven.
TOLLAND COUNTY BAR ASSOCIATION.	B. H. Bill, Rockville.	E. O. Dimock, Tolland.

DELAWARE.

NEW CASTLE COUNTY BAR ASSOCIATION.	Alexander B. Cooper, Wilmington.	Geo. H. Bates, Wilmington.
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DISTRICT OF COLUMBIA.

Bar Association of the District of Columbia.	A. S. Worthington, Washington.	Chas. A. Elliott, Washington.
FEDERAL BAR ASSOCIA- TION OF D. C.	Vacant.	George A. King, Washington.
PATENT OFFICE BAR AS- SOCIATION.		Geo. S. Prindle (1888), Washington.

FLORIDA.

Florida State Bar As- sociation.	John W. Ashby, Gainesville.	Edward Badger, Ocala.
JACKSONVILLE BAR AS- SOCIATION.	C. P. Cooper, Jacksonville.	Braxton B. McDonell, Jacksonville.
ORANGE COUNTY BAR ASSOCIATION.	E. M. Hammond, Orlando.	M. Silver, Orlando.

GEORGIA.

NAME.	PRESIDENT.	SECRETARY.
Georgia Bar Association.	George A. Mercer, Savannah.	John W. Akin, Cartersville.
ATLANTA BAR ASSOCIATION.	Jno. L. Hopkins, Atlanta.	Walter H. Rhett, Atlanta.

ILLINOIS.

Illinois State Bar Association.	Ethelbert Callahan, Robinson.	Frank H. Jones, Springfield.
CHICAGO BAR ASSOCIATION.	Francis Lackner, Chicago.	Geo. W. Cass, Chicago.

INDIANA.

INDIANAPOLIS BAR ASSOCIATION.	Thomas L. Sullivan, Indianapolis.	J. P. Baker, Indianapolis.
KOKOMO BAR ASSOCIATION.	James C. Blacklidge, Kokomo.	Albert B. Kirkpatrick, Kokomo.

IOWA.

CLARKE COUNTY BAR ASSOCIATION.	E. F. Riley, Osceola.	W. M. Hyland, Osceola.
DECATUR COUNTY BAR ASSOCIATION.	E. W. Curry, Leon.	Stephen Varga, Leon.
DES MOINES BAR ASSOCIATION.	B. F. Kauffman, Des Moines.	J. A. McCall, Des Moines.

KANSAS.

Bar Association of the State of Kansas.	John Guthrie, Topeka.	Charles S. Glead, Topeka.
LEAVENWORTH BAR ASSOCIATION.	Thos. P. Fenton, Leavenworth.	Wm. Dill, Leavenworth.
TOPEKA BAR ASSOCIATION.	W. P. Douthitt, Topeka.	Jas. A. Troutman, Topeka.
WICHITA BAR ASSOCIATION.	H. C. Sluss, Wichita.	Dean Gordon, Wichita.

KENTUCKY.

NAME.	PRESIDENT.	SECRETARY.
Southwestern Kentucky Bar Association.	D. H. Hughes, Morganfield.	Thos. G. Poore, Frankfort.

LOUISIANA.

Bar Association of Louisiana.	Donaldson Caffrey, Franklin.	John C. Wickliffe, New Orleans.
BATON ROUGE BAR ASSOCIATION.	John Wesley Burgess, Baton Rouge.	T. Sambola Jones, Baton Rouge.
NATCHITOCHES BAR ASSOCIATION.	Wm. H. Jack, Natchitoches.	C. V. Porter, Natchitoches.
NEW ORLEANS LAW ASSOCIATION.	Jas. McConnell ('88), New Orleans.	J. Ward Gurley ('88), New Orleans.

MAINE.

State Bar Association.		C. F. Woodard ('86), Bangor.
CUMBERLAND BAR ASSOCIATION.	Sewall C. Strout, Portland.	H. R. Virgin, Portland.
KENNEBEC COUNTY LAW LIBRARY ASSOCIATION.		H. W. True, Augusta.
PENOBSCOT BAR ASSOCIATION.	Albert W. Paine,	F. H. Appleton, Bangor.

MARYLAND.

BAR ASSOCIATION OF BALTIMORE CITY.	Geo. William Brown, Baltimore.	Lawrason Riggs, Baltimore.
BAR ASSOCIATION OF ALLEGHENY COUNTY.	J. J. McHenry, Cumberland.	D. W. Sloan, Cumberland.

MASSACHUSETTS.

BAR ASSOCIATION OF THE CITY OF BOSTON.	John Lowell, Boston.	Robert Grant, Boston.
BERKSHIRE BAR ASSOCIATION.	Henry W. Toft, Pittsfield.	Geo. H. Tucker, Pittsfield.
ESSEX BAR ASSOCIATION.	Wm. D. Northend ('88), Salem.	Geo. Bradshaw Ives ('88), Salem.

MASSACHUSETTS.—Continued.

NAME.	PRESIDENT.	SECRETARY.
FALL RIVER BAR ASSOCIATION.	James M. Morton, Fall River.	John J. McDonough, Fall River.
FRANKLIN COUNTY BAR ASSOCIATION.	Samuel O. Lamb, Greenfield.	Samuel D. Conant, Greenfield.
HAMPDEN BAR ASSOCIATION.	Edward B. Gillett, Westfield.	Robert O. Morris, Springfield.
HAMPSHIRE BAR ASSOCIATION.	Daniel W. Bond, Northampton.	John B. Bottum, Northampton.
BAR ASSOCIATION OF NORFOLK COUNTY.	Asa French, S. Braintree.	Oscar A. Marden, Stoughton.
PLYMOUTH COUNTY BAR ASSOCIATION.	Benj. W. Harris, E. Bridgewater.	Arthur Lord, Plymouth.
WORCESTER COUNTY BAR ASSOCIATION.	Wm. S. B. Hopkins, Worcester.	Webster Thayer, Worcester.

MICHIGAN.

BAY COUNTY BAR ASSOCIATION.	H. H. Hatch, Bay City.	F. S. Pratt, Bay City.
DETROIT BAR ASSOCIATION.	Geo. V. N. Lothrop, Detroit.	Edward W. Pendleton, Detroit.
BAR ASSOCIATION OF GRAND RAPIDS.	Edwin F. Uehl, Grand Rapids.	John S. Lawrence, Grand Rapids.
LENAWEE COUNTY BAR ASSOCIATION.	A. L. Millard, Adrian.	F. R. Payne, Adrian.
SAGINAW COUNTY BAR ASSOCIATION.	William L. Wetber, East Saginaw.	Gilbert M. Stark, Saginaw.

MINNESOTA.

Minnesota State Bar Association.	John A. Lovely, Albert Lea.	Hiram F. Stevens, St. Paul.
BLUE EARTH COUNTY BAR ASSOCIATION.	E. P. Freeman, Mankato.	W. E. Young, Mankato.
DULUTH BAR LIBRARY ASSOCIATION.	T. J. Davis, Duluth.	Alfred Jaynes, Duluth.

MINNESOTA.—Continued.

NAME.	PRESIDENT.	SECRETARY.
MINNEAPOLIS BAR ASSOCIATION.	Reuben C. Benton, Minneapolis.	Geo. H. Fletcher, Minneapolis.
ROCHESTER BAR ASSOCIATION.	C. C. Wilson,	B. W. Eaton,
ST. PAUL BAR ASSOCIATION.	Henry L. Williams, St. Paul.	Edward H. Ozmun, St. Paul.
SEVENTH JUDICIAL DISTRICT BAR ASSOCIATION.	A. Barto, Sank Centre.	J. R. Bennett, Jr., St. Cloud.
STEARNS COUNTY BAR ASSOCIATION.	D. W. Bruckart, St. Cloud.	Hubert Hansen, St. Cloud.
STILLWATER BAR ASSOCIATION.	H. R. Murdock, Stillwater.	Orris E. Lee, Stillwater.
WINONA COUNTY BAR ASSOCIATION.	W. H. Yale (acting), Winona.	E. A. Gerdtsen, Winona.

MISSISSIPPI.

Mississippi Bar Association.	R. H. Hill, Oxford.	W. R. Hooper, Jackson.
ABERDEEN BAR ASSOCIATION.	Lock E. Houston, Aberdeen.	Q. O. Eckford, Aberdeen.
COLUMBUS BAR ASSOCIATION.	W. H. Sims, Columbus.	James T. Harrison, Columbus.
GREENVILLE BAR ASSOCIATION.	W. G. Yerger, Greenville.	Charles Starling, Greenville.
OKTIBBEHA BAR ASSOCIATION.	John J. Dennis, Starkville.	Thomas J. Woods, Starkville.
WEST POINT LAW AND LIBRARY ASSOCIATION.	Fred. Beall, West Point.	R. C. Beckett, West Point.

MISSOURI.

Missouri Bar Association.	James B. Garrett, Clinton.	W. A. Alderson, Kansas City.
KANSAS CITY BAR ASSOCIATION.	Daniel B. Holmes, Kansas City.	John W. Snyder, Kansas City.
ST. LOUIS BAR ASSOCIATION.	Warwick Hough, St. Louis.	Benj. Schminnaker, St. Louis.

MONTANA.

NAME.	PRESIDENT.	SECRETARY.
Montana Bar Association.	Jason W. Strevella, Miles City.	Henry G. McIntyre, Helena.
HELENA BAR ASSOCIATION.	Wm. Chumasero, Helena.	Wm. E. Cullen, Helena.

NEBRASKA.

DOUGLAS COUNTY BAR ASSOCIATION.	B. E. B. Kennedy ('87), Omaha.	N. J. Burnham, Omaha.
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NEVADA.

None.

NEW HAMPSHIRE.

GRAFTON AND COOS BAR ASSOCIATION.	William Heywood, Lancaster.	George W. Chapman, Haverhill.
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NEW JERSEY.

New Jersey State Bar Association.	Cortlandt Parker, Newark.	Malcolm W. Niven.
CAMDEN COUNTY BAR ASSOCIATION.		Howard M. Cooper, Camden.
ESSEX COUNTY BAR ASSOCIATION.	Anthony Q. Keasbey, Newark.	Frederick S. Fish, Newark.
HUDSON COUNTY BAR ASSOCIATION.	Abel J. Smith, Hoboken.	James S. Erwin, Jersey City.
MONMOUTH BAR ASSOCIATION.	Robert Allen, Jr., Red Bank.	James Steen, Eatontown.
UNION COUNTY LAW LIBRARY AND BAR ASS'N.	Frederick C. Marsh (V. P.), Elizabeth.	Foster M. Voorhees, Elizabeth.

NEW YORK.

New York State Bar Association.	William H. Arnoux, New York,	L. B. Proctor, Albany.
ASS'N OF THE BAR OF THE CITY OF NEW YORK.	Joseph H. Choate, New York.	D. B. Ogden, New York.

NORTH CAROLINA.

None.

NORTH DAKOTA.

None.

OHIO.

NAME.	PRESIDENT.	SECRETARY.
Ohio State Bar Association.	J. T. Holmes, Columbus.	Wm. E. Talcott, Cleveland.
BAR ASSOCIATION OF ASHTABULA, LAKE AND GEAUGA COUNTIES.	C. W. Osborne, Chardon.	Frank J. Jerome, Painesville.
CINCINNATI BAR ASSO- CIATION.	Patrick Mallon, Cincinnati.	Aaron A. Ferris, Cincinnati.
CLARK COUNTY BAR AS- SOCIATION.	J. K. Mower, Springfield.	Wm. M. Rockel, Springfield.
CLEVELAND BAR ASSO- CIATION.	J. M. Jones, Cleveland.	Amos Denison, Cleveland.
CRAWFORD COUNTY BAR ASSOCIATION.	S. B. Harris, Bucyrus.	D. W. Locke, Bucyrus.
FRANKLIN COUNTY BAR ASSOCIATION.	George K. Nash, Columbus.	Michael O'Neill, Jr., Columbus.
KNOX COUNTY BAR AS- SOCIATION.	John Adams, Mt. Vernon.	W. C. Culbertson, Mt. Vernon.
LORAIN COUNTY BAR AS- SOCIATION.	C. W. Johnston, Elyria.	Lester McLean, Elyria.
LICKING COUNTY BAR ASSOCIATION.	Charles H. Kibler, Newark.	Charles W. Seward.
MAHONING COUNTY BAR ASSOCIATION.	Thos. W. Sanderson, Youngstown.	M. C. McNabb, Youngstown.
MEIGS COUNTY BAR AS- SOCIATION.		
MONTGOMERY COUNTY BAR ASSOCIATION.	Oscar M. Gottschall, Dayton.	George O. Warrington, Dayton.
PUTNAM COUNTY BAR ASSOCIATION.	James T. Lentzy, Ottawa.	D. C. Long, Ottawa.

OHIO.—Continued.

NAME.*	PRESIDENT.	SECRETARY.
RICHLAND COUNTY BAR ASSOCIATION.	Henry P. Davis, Mansfield.	Jesse E. La Dow, Mansfield.
SANDUSKY COUNTY BAR ASSOCIATION.	Ralph P. Buckland, Fremont.	Basil Meek, Fremont.
SENECA COUNTY BAR ASSOCIATION.	William Lang, Tiffin.	J. W. Schnaufelberger, Tiffin.
SUMMIT COUNTY BAR ASSOCIATION.		J. A. Motz, Akron.
TOLEDO BAR ASSOCIATION.	E. W. Tolerton, Toledo.	J. W. Southard, Toledo.
WOOD COUNTY BAR ASSOCIATION.	J. W. Canary, Bowling Green.	D. W. H. Day, Bowling Green.

PENNSYLVANIA.

ADAMS COUNTY BAR ASSOCIATION.	David McConaughy, Gettysburg.	W. Clarence Sheely, Gettysburg.
ALLEGHENY COUNTY BAR ASSOCIATION.	Wm. B. Negley, Pittsburgh.	E. Y. Breck, Pittsburgh
LAW ASSOCIATION OF BEAVER COUNTY.	James H. Cunningham, Beaver.	J. Sharp Wilson, Beaver.
BERKS COUNTY BAR ASSOCIATION.	Jacob S. Livingood, Reading.	Daniel H. Wingerd, Reading.
BLAIR COUNTY BAR ASSOCIATION.	Samuel S. Blair, Hollidaysburg.	A. A. Stevens, Tyrone.
BRADFORD COUNTY BAR ASSOCIATION.	D. A. Overton, Towanda.	James H. Coddington, Towanda.
BUCKS COUNTY BAR ASSOCIATION.	Nathan C. James, Doylestown.	Henry Otis Harris, Doylestown.
CAMBRIA COUNTY BAR ASSOCIATION.	Geo. M. Reade, Ebensburg.	A. V. Barker, Ebensburg.
CENTRE COUNTY BAR ASSOCIATION.	A. O. Furst,	L. A. Schaffer ('87), Bellefonte.
CHESTER COUNTY LAW LIBRARY ASSOCIATION.	W. B. Waddell, West Chester.	Joseph Hemphill, West Chester.
COLUMBIA COUNTY BAR ASSOCIATION.	John G. Freeze, Bloomsburg.	George E. Elwell, Bloomsburg.

PENNSYLVANIA.—Continued.

NAME.	PRESIDENT.	SECRETARY.
CRAWFORD COUNTY LAW LIBRARY ASSOCIATION.	W. R. Bole, Meadville.	Alfred G. Church, Meadville.
DELAWARE COUNTY LAW LIBRARY ASSOCIATION.	John B. Hinkson, Chester.	W. B. Rroomall, Chester.
ERIE LAW ASSOCIATION.	John P. Vincent, Erie.	E. L. Whittelsey, Erie.
FOREST BAR ASSOCIA- TION.	Samuel D. Irwin, Tionesta.	P. Monroe Clark, Tionesta.
HUNTINGDON COUNTY BAR ASSOCIATION.	John M. Bailey, Huntingdon.	Horace B. Dunn, Huntingdon.
LAW ASSOCIATION OF IN- DIANA COUNTY.	A. W. Taylor, Indiana.	John H. Pierce, Indiana.
LACKAWANNA BAR AS- SOCIATION.	E. N. Willard, Scranton.	Herman Osthaus, Scranton.
LANCASTER BAR ASSO- CIATION.	Hugh M. North, Columbia.	John W. Appel, Lancaster.
LAWRENCE COUNTY BAR ASSOCIATION.	B. A. Winternitz, New Castle.	W. T. Burns, New Castle.
LEBANON BAR ASSOCIA- TION.	W. M. Derr, Lebanon.	P. G. Mark, Lebanon.
LYCOMING LAW ASSO- CIATION.	Henry C. Parsons, Williamsport.	Addison Candor, Williamsport.
McKEAN COUNTY BAR ASSOCIATION.	Byron D. Hamlin, Smethport.	Geo. L. Roberts, Bradford.
MONTGOMERY COUNTY BAR ASSOCIATION.	B. E. Chain, Norristown.	Wm. F. Dannehower, Norristown.
NORTHAMPTON COUNTY BAR ASSOCIATION.	Edward J. Fox, Easton.	Henry S. Cavanaugh, Easton.
LAW ASSOCIATION OF PHILADELPHIA.	George W. Biddle, Philadelphia.	Wm. W. Porter, Philadelphia.
SCHUYLKILL COUNTY BAR ASSOCIATION.	Jno. W. Roseberry, Pottsville.	Geo. J. Wadlinger, Pottsville.
SNYDER COUNTY BAR ASSOCIATION.	Thos. J. Smith, Middleburgh.	Jay Giffillan Weiser, Middleburgh.

PENNSYLVANIA.—Continued.

NAME.	PRESIDENT.	SECRETARY.
SUSQUEHANNA COUNTY LEGAL ASSOCIATION.	Wm. H. Jessup, Montrose.	H. C. Jessup, Montrose.
TIOGA COUNTY BAR AS- SOCIATION.	R. C. Simpson, Wellsboro.	Jefferson Harrison, Wellsboro.
WARREN COUNTY BAR ASSOCIATION.	W. M. Lindsey, Warren.	James O. Parmlee, Warren.
WAYNESBURG LAW AS- SOCIATION.	J. A. J. Buchanan, Waynesburg.	R. F. Downey, Waynesburg.
WESTMORELAND LAW ASSOCIATION.	H. P. Laird, Greensburg.	Vacant.
WILKES - BARRE LAW AND LIBRARY ASSO- CIATION.	A. T. McClintock, Wilkes-Barre.	Allan H. Dickson, Wilkes-Barre.

RHODE ISLAND.

PROVIDENCE BAR CLUB.	Benj. F. Thurston, Providence.	Lorin M. Cook, Providence.
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SOUTH CAROLINA.

South Carolina Bar As- sociation.	Ch. Richardson Miles, Charleston.	W. C. Benet, Abbeville.
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SOUTH DAKOTA.

GRAND FORKS COUNTY BAR ASSOCIATION.	J. H. Bosard, Grand Forks.	W. R. Bangs, Grand Forks.
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TENNESSEE.

Tennessee State Bar Association.	J. M. Dickinson, Nashville.	J. W. Bonner, Nashville.
CHATTANOOGA BAR AS- SOCIATION.		
MEMPHIS BAR AND LAW LIBRARY ASSOCIATION.	Wm. M. Randolph, Memphis.	Th. Flanagan, Memphis.
NASHVILLE BAR ASSO- CIATION.	Wm. F. Cooper, Nashville.	Percy D. Maddin, Nashville.

TEXAS.

NAME.	PRESIDENT.	SECRETARY.
Texas Bar Association.	Henry W. Lightfoot, Paris.	Chas. S. Morse, Austin.
SAN ANTONIO BAR ASSO- CIATION.	A. W. Houston, San Antonio.	W. U. King, San Antonio.

VERMONT.

Vermont Bar Associa- tion.	Philip K. Gleed, Morrisville.	Geo. W. Wing, Montpelier.
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VIRGINIA.

Virginia State Bar As- sociation.	R. G. H. Kean, Lynchburg.	James C. Lamb, Richmond.
BAR ASSOCIATION OF THE CITY OF RICHMOND.	F. H. McGuire, Richmond.	J. R. V. Daniel, Richmond.

WEST VIRGINIA.

West Virginia Bar As- sociation.	E. B. Knight, Charleston.	W. P. Willey, Morgantown.
OHIO COUNTY BAR ASSO- CIATION.	W. P. Hubbard, Wheeling.	John A. Howard, Wheeling.

WASHINGTON.

KING COUNTY BAR ASSO- CIATION.		
PIERCE COUNTY BAR AS- SOCIATION.	T. L. Stiles, Tacoma.	M. K. Snell, Tacoma.

WISCONSIN.

State Bar Association of Wisconsin.	Moses M. Strong, Mineral Point.	Edward P. Vilas, Milwaukee.
DANE COUNTY LEGAL ASSOCIATION.	J. H. Carpenter, Madison.	Charles Noble Gregory, Madison.
MILWAUKEE BAR ASSO- CIATION.	Joshua Stark, Milwaukee.	Wm. H. Morris, Milwaukee.

WISCONSIN.—Continued.

NAME.	PRESIDENT.	SECRETARY.
ROCK COUNTY BAR ASSO- CIATION.	A. A. Jackson, Janesville.	E. D. McGowan, Janesville.
WINNEBAGO COUNTY BAR ASSOCIATION.	George Gary, Oshkosh.	A. H. Goss, Oshkosh.

NEW MEXICO TERRITORY.

New Mexico Bar Asso- ciation.	Frank Springer, Las Vegas.	Edward L. Bartlett, Santa Fe.
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UTAH TERRITORY.

SALT LAKE CITY BAR ASSOCIATION.	Benj. Sheeks ('88), Salt Lake City.	Henry G. McMillan, Salt Lake City.
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NOTICE AS TO REPORTS.

By order of the Executive Committee the following prices have been fixed for the reports; they are about sufficient to pay the cost of printing and postage:

Vol. 1 (1878), paper, postpaid, 50 cents.

Vols. 2 to 12 (1879 to 1889), paper, postpaid, 75 cents each.

Vols. 8 to 12 (1885 to 1889), cloth, postpaid, \$1.00 each.

Complete set to date, Vols. 1 to 7, paper; 8 to 12, cloth; \$10.00.

Each member of the Association will receive, as soon as published, and without cost to him, one copy of the proceedings for each year of his membership. A bound copy will be sent, unless the Secretary is otherwise directed. Members desiring extra copies, and new members desiring back reports, will be charged the above prices.

Public libraries and educational institutions will be furnished with complete sets of the reports without expense.

EDWARD OTIS HINKLEY, *Secretary*.

215, North Charles Street, Baltimore, Md.

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